



C.R.P. (MD) No. 1655 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2024

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P. (MD) No. 1655 of 2024
and
C.M.P (MD) No.9714 of 2024

M.Sreejith

... Petitioner/
Petitioner

-VS-

Preeranath alias Lekshmi

... Respondent/
Respondent

PRAYER: Civil Revision Petition filed under Article 225 of the Constitution of India, to call for records and set aside the order and decretal order in I.A.No.1 of 2022 in H.M.O.P.No.274 of 2021 on the file of Family Court, Kanyakumari District (Camp at Padmanabhapuram), Nagercoil dated 20.12.2022 and allow this civil revision petition.

For Petitioner : Mr.M.P.Hariprasad

ORDER

The Civil Revision Petition is directed against the order dated 20.12.2022 in and by which I.A.No.1 of 2022 in H.M.O.P.No.274 of 2021 was ordered by directing the petitioner husband herein to pay an interim maintenance of a sum of Rs.10,000/-(Rupees Ten Thousand only) per month.



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2. The learned Counsel appearing on behalf of the petitioner would submit that the petitioner had engaged a counsel who since then got selected into judicial service and since there was a communication gap, the petitioner could not appear before the Trial court and file a counter and in view of the same, the interim maintenance was awarded. At least an opportunity should be granted to the petitioner to contest the matter on merits. The petitioner has also spent huge amounts on the medical and other expenses on the respondent, which was all not brought to the notice of the Trial Court while fixing the interim maintenance.

3. I have considered the said submissions made by the learned Counsel for the petitioner and perused the material records of the case. The award which is made is only an interim maintenance pending the HMOP. The sum of Rs. 10,000/- per month alone is ordered. The relationship between the parties is not denied. The fact that the petitioner is employed as a constable in the paramilitary force is also not denied. In view thereof, when the Hon'ble Supreme Court of India in the judgment of ***Kalyan Dey Chowdhury v. Rita Dey Chowdhury*** reported in ***AIR 2017 SC 2383***, has held that when roughly 25% of the husband's income can be awarded as a maintenance, I do not see any scope



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for interference in a sum of rupees Rs.10,000/-, which is ordered by the Trial Court. Therefore, no useful purpose will be solved even by remanding the matter once again.

4. In view thereof, finding no merits, the Civil Revision Petition is dismissed. However, considering the fact that the interim maintenance is ordered, the Trial Court is requested to take up the HMOP and dispose of the same as expeditiously as possible, in any event, not later than eight months from the date of receipt of a copy of the order. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index : No
NCC : No
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D.BHARATHA CHAKRAVARTHY, J.

PKN

To

1. The Family Court, Kanyakumari District
(Camp at Padmanabhapuram), Nagercoil.

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