



C.R.P.(MD)No.1923 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.1923 of 2024

and

C.M.P.(MD)No.10949 of 2024

Vishnupriya

... Petitioner / Petitioner / Respondent

Vs.

Naresh

... Respondent / Respondent / Petitioner

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 08.03.2024 passed in I.A.No.166 of 20223 in H.M.O.P.No.138 of 2023 on the file of the learned Subordinate Judge, Kovilpatti.

For Petitioner : Mr.S.Pon Senthil Kumaran

For Respondent : Mrs.V.Rajeshwari

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ORDER

Heard both sides.

2.The respondent herein got married to the petitioner on 27.08.2015 as per Hindu rites and customs. Two children were born through the said



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wedlock. The relationship between the parties had come under strain. The respondent filed H.M.O.P.No.138 of 2023 on the file of the Sub Court, Kovilpatti for dissolution of marriage. The petitioner filed I.A.No.166 of 2023 seeking interim maintenance for herself and the children. The Court below vide order dated 08.03.2024 directed the respondent to pay a sum of Rs.10,000/- towards monthly maintenance in favour of the petitioner and a sum of Rs.5,000/- each for the children towards monthly maintenance. Contending that the amount awarded is not sufficient, the present civil revision petition came to be filed.

3.It is seen that the petitioner herein examined herself in the enquiry in I.A.No.166 of 2023. The respondent did not bother to cross examine the petitioner. The petitioner has made a fanciful claim that the respondent is earning Rs.10 Lakhs per month as a neuro surgeon. The learned counsel for the respondent has filed typed set of papers enclosing the income tax returns of the respondent.

4.Considering the overall facts and circumstances, I am of the view that the respondent deserve to be given one more opportunity. I am therefore remanding the matter to the file of the Court below. Since such a remand has to



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be made only on account of the conduct of the respondent, I impose cost of Rs.25,000/- on the respondent. The respondent is directed to pay the same directly to the petitioner on the next hearing date.

5.The petitioner shall make herself available for cross examination. The respondent is also directed to file an affidavit setting out his assets and liabilities. I.A.No.166 of 2023 is restored to file. After giving opportunity to the respondent to cross examine the petitioner and after hearing both parties, a fresh order shall be passed in I.A.No.166 of 2023. I make it clear that in the order to be passed by the Court below, the quantum cannot be less than what has already been passed. Leaving open the contentions of either side on all other respects, the civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

17.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

The Sub Court,
Kovilpatti.



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G.R.SWAMINATHAN, J.

ias

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