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C.R.P.(MD)No.1828 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD).No.1828 of 2024 and
C.M.P.(MD)No.10284 of 2024

Pandian

... Petitioner/ Respondent /
Petitioner

Vs.

Muthumari

... Respondent/ Petitioner /
Respondent

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 15.11.2023 in I.A.No.1 of 2023 in H.M.O.P.No.135 of 2021 on the file of the Subordinate Court, Thirumangalam and to allow the civil revision petition.

For Petitioner : Mr.S.Parthiban

For Respondent : Mr.B.Ramanathan

**ORDER**

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Heard both sides.

2. The petitioner herein filed H.M.O.P.No.135 of 2021 on the file of the Sub Court, Thirumangalam seeking dissolution of his marriage with the respondent. The respondent filed I.A.No.1 of 2023 seeking interim maintenance under Section 24 of the Hindu Marriage Act, 1955. The petitioner herein filed counter opposing the request. Vide order dated 15.11.2023, I.A.No.1 of 2023 was partly allowed. After noting that the petitioner is already remitting a sum of Rs.15,000/- per month towards maintenance, a further sum of Rs.5,000/- was ordered to be paid.

3. Challenging the same, this revision petition came to be filed. The learned counsel for the petitioner reiterated all the contentions set out in the grounds of memorandum and called upon this Court to set aside the impugned order.



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4. Per contra, the learned counsel appearing for the respondent submitted that the impugned order is detailed and well reasoned and it does not warrant interference.

5. I carefully considered the rival contentions and went through the materials on record.

6. The petitioner is an army man. He is working as Naib Subedar. The respondent herein sent a complaint to the army authorities questioning the conduct of the petitioner. That led to disciplinary action against the petitioner. It appears to have been eventually dropped. The army authorities taking note of the matrimonial discord, directed the petitioner to remit 1/3 of his salary in the bank account of the respondent. The respondent concedes that now she is getting a sum of Rs.15,000/- per month. One can safely conclude that a sum of Rs.45,000/- would be the monthly salary of the petitioner. The petitioner is having aged parents to take care. He is also paying a sum of Rs.19,000/- towards EMI for housing loan.



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7. I am therefore of the view that the petitioner ought not to be saddled with any further burden. As and when the petitioner's salary is revised and enhanced, the petitioner is directed to automatically pay 1/3rd of his salary to the respondent. The petitioner should not wait for any fresh order either from the army authorities or from the Court.

8. With this direction to the petitioner, the impugned order is set aside. This civil revision petition stands allowed No costs. Consequently, connected miscellaneous petition is closed.

06.09.2024

Index : yes/No
Internet: Yes/No
PMU

To

The Subordinate Judge,
Thirumangalam.



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G.R.SWAMINATHAN,J.

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