



C.R.P.(PD)(MD).No.130 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.130 of 2018

and

C.M.P(MD) No.574 of 2018

1. S.Amutha

... 1st Petitioner/Petitioner/
Respondent

2. Minor.A. Priyadharshan

S/o. T.Sathiyamoorthy

Represented by his legal guardian

Mother

Thathakka Patti,

Kottur Post,

Nillakottai Taluk,

Dindigul District.

... 2nd Petitioner/Petitioner/
Not a party

-vs-

T.Sathiyamoorthy

... Respondent/Respondent/
Petitioner

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order passed on 23.08.2017 in I.a.No.1 of 2014 in H.M.O.P.No.4 of 2013 on the file of the Subordinate Court, Theni.

For Petitioners : Mr.M.Prabhu
for M/s.Polax Legal Solutions



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For Respondent : Mr.S.Siva Thilakar

ORDER

The present Civil Revision Petition has been filed by the Revision petitioners challenging the interim maintenance granted by the Sub Court, Theni, wherein, the learned Sub Ordinate Judge has awarded a sum of Rs.2,000/- as monthly maintenance to the minor son alone rejecting the request of the wife for maintenance.

2. According to the learned counsel appearing for the petitioners, the first petitioner/wife is working on consolidated salary in an unaided College and therefore, the income is not sufficient to maintain the child as well as for giving proper education expenses of the minor. Therefore, the present Civil Revision Petition has been filed.

3. Per contra, the learned counsel appearing for the respondent had contended that the respondent is working on a temporary basis as a Manager in a Hotel and therefore, he could not be able to pay more than Rs.2,000/- per month as maintenance to his minor son. He further contended that his wife is



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already employed and is receiving a salary for more than Rs.2,000/- per hour, working as a temporary Lecturer. Hence, he prayed for confirming the order passed by the trial Court.

4. It is also brought to the notice of this Court that H.M.O.P.No.4 of 2013, which was pending on the file of the Sub Court, Theni, has been transferred to the Family Court, Theni, and renumbered as H.M.O.P.No.140 of 2020.

5. Considering the fact that the H.M.O.P is pending for more than 11 years, this Court is of the considered opinion that the interim maintenance amount to the child could be enhanced to a sum of Rs.3,000/- (Rupees Three Thousand only). The entitlement of the wife to receive maintenance is left open to be decided in future proceedings. The Family Court, Theni, is directed to dispose of H.M.O.P.No.140 of 2020 on or before **31.07.2024** and report the same to the High Court Registry. The respondent/husband is directed to pay the maintenance of Rs.3,000/- from the date of application within a period of four weeks from the date of receipt of a copy of this order.



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6. With the above said observations, this Civil Revision Petition is disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

01.04.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To
1. The Subordinate Court,
Theni.

2. The Family Court,
Theni.



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R.VIJAYAKUMAR,J.

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