



C.R.P.(MD)No.2129 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 03.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2129 of 2024

and

C.M.P.(MD)No.12127 of 2024

V.Sudharsan

... Petitioner / Petitioner

Vs.

Nithya

... Respondent / Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 10.06.2024 in I.A.No.1 of 2022 in H.M.O.P.No.16 of 2016 on the file of the Principal District and Sessions Court at Srivilliputhur, Virudhunagar District.

For Petitioner : Mr.S.Vellaichamy

For Respondent : Mr.M.Thangapandian

* * *

ORDER

Heard both sides.



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2.The petitioner is the husband of the respondent. He filed H.M.O.P.No.16 of 2016 on the file of the Principal District and Sessions Court, Srivilliputhur for divorce. In the said H.M.O.P., the respondent filed I.A.No.1 of 2022 for interim maintenance. The Court below vide order dated 10.06.2024 directed the petitioner to pay a sum of Rs.10,000/- per month. Questioning the same, this civil revision petition came to be filed.

3.The learned counsel for the revision petitioner reiterated all the contentions set out in the memorandum of grounds of the civil revision petition. He pointed out that the petitioner is taking care of the educational expenses of the child. He also would point out that the petitioner has been occasionally remitting amounts in the bank account of the respondent. He called upon this Court to set aside the impugned order.

4.I am not swayed by the said submissions. The Court below has taken note of the conduct of the petitioner. In normal circumstances, an order for payment of interim maintenance will come into effect from the date of filing of the petition. In this case, the petitioner has been directed to pay only from the date of the order. This itself shows that the Court below has taken note of the petitioner's conduct. What has been awarded is only a sum of Rs.10,000/- per



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month. By no stretch of imagination, can it be called as excessive. The petitioner has invoked the jurisdiction of this Court under Article 227 of the Constitution of India. Unless, the order of the Court below appears to be perverse or wanting in jurisdiction, I will not be justified in interfering. I am more than satisfied that an appropriate order has been passed. The Court below is directed to dispose of H.M.O.P.No.16 of 2016 on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order. The civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

03.10.2024

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

The Principal District and Sessions Court
At Srivilliputhur, Virudhunagar District.



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G.R.SWAMINATHAN, J.

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