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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 13.09.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)Nos.2108 & 2085 of 2024
and
C.M.P.(MD)No.11892 of 2024

In C.R.P.(MD)No.2108 of 2024

S.Preethi @ Unnamalai ... Petitioner / Petitioner / Respondent

Vs.

C.Karuppan Chetty ... Respondent / Respondent / Petitioner

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.1 of 2023 in H.M.O.P.No.61 of 2023 on the file of the Sub Court, Lalgudi dated 23.04.2024 and allow the civil revision petition.

For Petitioner : Mr.C.Vakeeswaran

For Respondent : Mr.C.Susikumar
for M/s.Subash Law Office

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In C.R.P.(MD)No.2085 of 2024

C.Karupanchetty ... Petitioner / Respondent

Vs.

S.Preethi @ Unnamalai ... Respondent / Petitioner

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 23.04.2024 passed in I.A.No.1 of 2023 in H.M.O.P.No.61 of 2023 on the file of the Sub Court, Lalgudi.

For Petitioner : Mr.C.Susikumar
for M/s.Subash Law Office

For Respondent : Mr.C.Vakeeswaran

COMMON ORDER

Heard both sides.

2. C.Karupanchetty and S.Preethi Unnamalai got married on 16.03.2023 at Karaikudi. The marital life did not work out as planned. They are presently living apart. Karupanchetty filed H.M.O.P.No.61 of 2023 on the file of the Sub Court, Lalgudi seeking restitution of the conjugal rights under Section 9 of the Hindu Marriage Act, 1955. Preethi @ Unnamalai filed H.M.O.P.No.84 of 2024

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on the file of the Sub Court, Lalgudi seeking for dissolution of her marriage. In H.M.O.P.No.61 of 2023, wife filed I.A.No.1 of 2023 seeking interim maintenance. The court below vide order dated 23.04.2024 directed the husband to pay interim maintenance of Rs.20,000/- per month. Questioning the same, husband filed C.R.P.(MD)No.2085 of 2024. Wife filed C.R.P.(MD)No. 2108 of 2024. I wanted to find out if the issues can be resolved. Both the parties are present before me. Preethi @ Unnamalai is ready for mutual consent divorce. Thiru.C.Karuppanchetty is not willing to accept the said request. I am therefore left with no other option but to decide the civil revision petition on merits. Two questions arise for consideration.

(I) Whether the quantum of interim maintenance offered by the court below is to be modified.

(II) Whether the application should have been ordered with effect from the date of filing of the application.

3 Thiru.C.Karuppanchetty is working as officer in Canara bank. He is earning around Rs.73,000/- per month. It is his own answer to a specific question from me. When the husband is getting Rs.73,000/- per month, awarding Rs.20,000/- per month cannot be said to be excessive by any standard. The court below has correctly quantified the amount. The demand of

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the wife was Rs.30,000/-. An application for interim maintenance is invariably ordered from the date of filing of the application. The application was filed on 30.06.2023. It was allowed on 23.04.2024. The court below ought to have ordered the payment of interim maintenance with effect from 30.06.2023. To this effect, the impugned order warrant interference. C.R.P.(MD)No.2085 of 2024 filed by C.Karuppanchetty stands dismissed. C.R.P.(MD)No.2108 of 2024 filed by Preethi @ Unnamalai is allowed. No costs. Consequently, connected miscellaneous petition is closed.

13.09.2024

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

The Sub Court, Lalgudi.

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G.R.SWAMINATHAN, J.

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C.R.P.(MD)Nos.2108 & 2085 of 2024

13.09.2024

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