



C.R.P(MD)No.1334 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P(MD)No.1334 of 2023

and

CMP(MD)No.6646 of 2023

Thavamurugan

.. Petitioner /Petitioner

Vs.

1.Vidhya

2.Minor Eshanth

.. Respondents/Respondents

[Minor 2nd respondent is rep. by his
mother and next guardian 1st
respondent herein]

Prayer: Civil Revision Petition filed under Article 227 of the
Constitution of India, to call for the records and set aside the order
passed in IA.No.59 of 2021 in HMOP.No.63 of 2020 on the file of the
Sub Court, Muthukalathur dated 17.06.2022.

For Petitioner : Ms.N.Vijayalakshmi

For Respondents: Mr.Sabbani Karburajothi



C.R.P(MD)No.1334 of 2023

ORDER

WEB COPY

This petition has been filed against the order dated 17.06.2022 passed in IA.No.59 of 2021 in HMOP.No.63 of 2020 by the learned Sub Judge, Muthukalathur, Ramanathapuram District.

2. The said H.M.O.P.No.63 of 2020 was filed by the petitioner/husband for divorce on the ground of desertion and cruelty. During the pendency of the above said petition, the respondent/wife filed a petition in I.A.No.59 of 2021 for interim maintenance, in which, the Court below passed an order directing the respondent/husband to pay a sum of Rs.6,000/- to the first respondent and a sum of Rs.2,000/- to the second respondent per month from the date of petition till the disposal of the main case and also pay a sum of Rs.3,000/- towards litigation expenses. Aggrieved over the same, the present civil revision petition is filed.

3. When the matter was taken up for hearing on 18.08.2023, the learned counsel appearing for the petitioner submitted that the petitioner/husband is not having sufficient income to pay a sum of Rs. 8,000/- per month as maintenance to the respondents herein. The learned



C.R.P(MD)No.1334 of 2023

counsel further submitted that the order of maintenance can be granted only to the spouse, who is not able to maintain herself, but in the present case, the respondent/wife is having sufficient source of income and hence, she is not entitled to claim maintenance.

4.However, the trial Court in its order gave a categorical findings that the petitioner herein is having sufficient income to maintain the respondents herein.

5.The learned counsel appearing for the revision petitioner would submit that the petitioner is not having sufficient income and he is earning a sum of Rs.400/- per day and the same is objected by the learned counsel appearing for the respondent/wife stating that he is working as a mason and earning a sum of Rs.1,500/- per day.

6.Though there is no sufficient proof for the contentions made by the respective counsel, this Court thought fit that the maintenance amount awarded by the trial Court was Rs.8,000/- per month can be reduced to Rs.7,000/- per month. Hence, vide order dated 18.08.2023, this Court directed the petitioner/husband to pay the said amount on 10th



C.R.P(MD)No.1334 of 2023

day of every English Calender month and also the petitioner was directed to deposit the entire arrears of amount to the credit of H.M.O.P.No.63 of 2020 on the file of the learned Subordinate Court, Muthukukathur, within a period of two months in two installments, from the date of petition till the disposal of the main case and adjourned the matter for compliance.

7. Again when the matter was taken up for hearing on 07.12.2023, it was represented that the petitioner has deposited Rs. 50,000/- twice and he has not deposited the remaining amount so far. Hence, this Court, vide order dated 07.12.2023 vacated the stay granted by this Court and ordered to list the matter on 11.01.2024(today).

8. Today when the matter is taken up for hearing, the learned counsel for the petitioner submitted that the entire arrears amount upto 03.01.2024 has been paid by the petitioner. According to the petitioner, as on date, no arrears to be paid. Hence, the learned counsel seeks a direction to the trial Court to dispose of the HMOP.No.63 of 2020 within a time frame.



C.R.P(MD)No.1334 of 2023

9. Since earlier order of this Court has been complied with by the petitioner and also considering the above said limited request made by the learned counsel for the petitioner, there shall be a direction to the learned Subordinate Judge, Muthukulathur, Ramanathapuram District, to dispose the HMOP.No.63 of 2020 within a period of four months from the date of receipt of a copy of this order.

10. With the above direction, this Civil Revision Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

11.01.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
PJJ

To
1. The Subordinate Judge,
Muthukulathur,
Ramanathapuram District.

2. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P(MD)No.1334 of 2023

G.ILANGO VAN, J.

PJL

C.R.P(MD)No.1334 of 2023

11.01.2024