



C.R.P. (MD) No. 3246 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **08.04.2024**

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

C.R.P. (MD) No. 3246 of 2023

and

C.M.P. (MD) No. 16760 of 2023

Esakkithurai

... Petitioner

Vs.

Sneha

... Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 30.03.2023 passed in I.A. No. 02 of 2023 in H.M.O.P. No. 212 of 2021 on the file of the Principal Sub Court, Tenkasi.

For Petitioner : Mr. M.P.Senthil

For Respondent : Mr. D.Srinivasaragavan



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ORDER

The Civil Revision Petition invoking Article 227 of the Constitution of India, 1950, has been filed against the order dated 30.03.2023 in I.A. No. 2 of 2022 in H.M.O.P. No. 212 of 2021 (hereinafter referred to as the 'impugned order' for short) passed by the Principal Sub-Court, Tenkasi (hereinafter referred to as the 'Trial Court' for short).

2. Since the matter relates to a matrimonial dispute between the contesting parties, they are referred to as 'Husband' and 'Wife' for the sake of clarity and convenience.

3. The Husband had filed H.M.O.P. No.212 of 2021 before the Trial Court against the Wife seeking divorce on the ground of adultery and cruelty. The application in I.A. No. 2 of 2022 had been filed by the Wife claiming interim maintenance of Rs.20,000/- (Rupees Twenty Thousand only) per month for her and their son along with Rs.10,000/- towards legal expenses incurred by them. The Trial Court by the impugned order has granted a sum



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of Rs. 5,000/- (Rupees Five Thousand only) per month each to be paid to the Wife and their son aggregating to Rs.10,000/- from the date of that petition filed on 02.09.2022 along with the legal expenses. Inasmuch as it is contended by the Husband, who is employed in military services that he is earning Rs. 45,000/- towards monthly salary and that the Wife is receiving the income from his ancestral properties, Learned Counsel for the Wife, on instructions, agrees that the interim maintenance per month shall be restricted to Rs. 7,500/- (Rupees Seven Thousand Five Hundred only) for the Wife and their son together, and he has made an endorsement to that effect in the court record. The Husband shall pay the legal expenses of Rs.10,000/- as fixed by the Trial Court.

4. In the aforesaid circumstances, the impugned order is modified to that extent. The Husband shall pay the accumulated arrears till May 2024 by 30.09.2024, and the monthly amount of interim maintenance from June 2024 onwards before the 10th day of that month.

5. It is agreed by both sides that the parties would fully co-operate for the expeditious disposal of H.M.O.P. No. 212 of 2021 before the Trial Court and



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that there shall be atleast two effective hearings every month showing progress of the case. The Trial Court shall send quarterly reports of compliance to the Registrar (Judicial) of this Court till it is decided finally.

In the result, the Civil Revision Petition is ordered on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

08.04.2024

Index : Yes/No
NCC : Yes/No
Index : Yes/No
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TO:

1.The Principal Sub Court, Tenkasi.

COPY TO:-

1.Mr.Esakkithurai,
S/o.Palraj,
D.No.7/156, E.B.Office Street,
Venkateshwarapuram alias Reddiarpatti,
Alangulam Taluk,
Tenkasi District.

2.Ms.Sneha,
W/o.Esakkithurai,
D/o.Packiaselvan,
D.No.2/34, East Street,
Kurippankulam,
Alangulam Taluk,
Tenkasi District.



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P.D.AUDIKESAVALU, J.

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