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C.R.P.(PD)NO.1093 OF 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19/11/2025

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THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

C.R.P.(PD)NO.1093 OF 2023
AND C.M.P.NO.7765 OF 2023

P.Rajan

... Petitioner/Respondent/
Petitioner

Vs.

K.Usharani

...Respondent/Petitioner/
Respondent

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, 1950, praying to set aside the Fair and Decreetal Order dated January 20, 2023 made in I.A.No.1 of 2022 in O.P.No.4065 of 2021 on the file of learned III Additional Family Judge at Chennai.

For Petitioner : Mr.A.Balasingh Ramanujam

For Respondent : Mr.Manoj Sreevalsan



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ORDER

Feeling aggrieved by the Order passed by 'the III Additional Principal Family Court, Chennai' (hereinafter referred to as the 'Trial Court') in the Interlocutory Application filed by the Wife/Petitioner therein under Section 24 of the Hindu Marriage Act, 1955, directing the Revision Petitioner to pay a sum of Rs.10,000/- as interim maintenance from the date of application i.e., June 06 2022 till the disposal of the Original Petition, the Petitioner/Husband therein has filed this Civil Revision Petition.

2.The Revision Petitioner and the Respondent herein are Husband and Wife. The Revision Petitioner filed a petition under Section 13(1)(i-a)(i-b) of the Hindu Marriage Act, 1955, in O.P.No.4065 of 2021 on the file of the Trial Court seeking a decree of divorce by dissolving the marriage solemnized between the Petitioner and the Respondent on May 07, 2017 on the grounds of cruelty and desertion.

3.In the said Original Petition, the Respondent/Wife filed an Interlocutory Application in I.A.No.1 of 2022 under Section 24 of the Hindu Marriage Act, 1955 seeking interim maintenance for a sum of



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Rs.20,000/- per month till the disposal of the Original Petition.

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4.The Trial Court after hearing both sides, allowed the Interlocutory Application in part and directed the Husband/Revision Petitioner to pay a sum of Rs.10,000/- as interim maintenance to the Wife/Respondent from the date of Petition i.e., June 06, 2022 till the disposal of the Original Petition.

5.Feeing aggrieved by the Order, the Husband/Respondent therein filed this Civil Revision Petition. It is apposite to state here that since the Revision Petitioner did not pay the amount properly, the Original Petition in O.P.No.4065 of 2021 was dismissed on April 20, 2023. The Respondent/Wife filed another Original Petition in O.P.No.1272 of 2021 under Section 9 of the Hindu Marriage Act, 1955, seeking restitution of conjugal rights and the same is pending. Since O.P.No.4065 of 2021 filed by the Husband was dismissed, the Wife filed an Interlocutory Application in I.A.No.3 of 2024 in O.P.No.1272 of 2021 and the same was allowed by directing the Revision Petitioner to pay a sum of Rs.10,000/- per month.



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6.Learned Counsel appearing for the Revision Petitioner submits that the Revision Petitioner paid a sum of Rs.3,20,000/- up to July 03, 2025. He further submits that the balance amount of Rs.50,000/- alone is to be paid and the Revision Petitioner is ready to pay a sum of Rs.50,000/- by way of pay order dated November 06, 2025 drawn on Tamil Nadu State Apex Co-op. Bank Ltd, Washermanpet Branch. He further submits that the Revision Petitioner is working in a Private Photocopy Shop and receiving only a sum of Rs.10,000/- per month as salary, whereas the Respondent is working as a System Operator and earning a sum of Rs.15,000/- per month. However, with great difficulties, the Revision Petitioner is paying the arrears amount. Accordingly, he prays to allow the Civil Revision Petition and to modify the Order passed by the Trial Court in I.A.No.1 of 2022, consequently to direct the Trial Court to restore O.P.No.4065 of 2021 on file and proceed as per law.

7.On the other hand, Mr.Manoj Sreevalsan, learned Counsel appearing for the Respondent/Wife submits that even in the calculation memo, the total arrears of interim maintenance as on date is Rs.1,30,000/-. Today, the Revision Petitioner paid a sum of Rs.50,000/-

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(Rupees Fifty thousand) by way of pay order and the balance arrears amount as on November 11, 2025 is Rs.80,000/- which ought to have been paid by the Revision Petitioner. The Revision Petitioner has disputed the aforesaid calculation by stating that Revision Petitioner has made payment before the Trial Court and he has to check and verify the same.

8.This Court has considered the submissions made by the learned counsel on either side. As per the Order passed in I.A.No.1 of 2022, O.P.No.4065 of 2021 and I.A.No.3 of 2024 in O.P.No.1272 of 2021 the Revision Petitioner is liable to pay a sum of Rs.10,000/- towards interim maintenance from June 06, 2022 to October 06, 2025. Thus the Revision Petitioner is liable to pay a sum of Rs.4,00,000/- (Rs.10,000/- x 40 months) as interim maintenance. Admittedly, he paid Rs.3,20,000/- as on July 03, 2025 and today, he paid a sum of Rs.50,000/- by way of pay order. The payment made by the Revision Petitioner today is recorded. In view of the payment made by the Revision Petitioner and to decide the case on its merits and in the interest of justice, this Court is inclined to accept the request of the Revision Petitioner. Moreover, both the leaned Counsels have consented to set aside the dismissal Order and restore the



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Original Petition on file after due instructions from their clients. In fact, the Respondent-wife is present before this Court during the hearing.

9. In view of the above, this Civil Revision Petition is disposed of with the following directions as consent Order:

(i). The Dismissal Order dated April 20, 2023 passed by the Trial Court in O.P.No.4065 of 2021 is set aside.

(ii). Both parties are directed to appear before the Trial Court on December 15, 2025.

(iii). The Revision Petitioner is directed to pay the arrears of amount upto October 06, 2025 on or before December 15, 2025. To that effect, the Revision Petitioner shall file a memo on December 15, 2025 before Trial Court. If any dispute arises *qua* payment of arrears amount, the Trial Court shall conduct an enquiry and quantify balance of arrears of maintenance amount upto October 06, 2025. The Petitioner shall pay the amount so quantified by Trial Court within a reasonable time fixed by Trial Court.



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(iv).As long as the Petitioner makes the interim maintenance amount in I.A.No.1 of 2022 in O.P.No.4065 of 2021, the Order passed in I.A.No.3 of 2024 in O.P.No.1272 of 2021 shall not be enforced.

(v).The Trial Court is directed to restore the Original Petition in O.P.No.4065 of 2021 on file and shall proceed with Original Petition as per law and pass an appropriate Order as per law.

(vi).The Revision Petitioner shall continue to pay the interim maintenance till disposal of O.P.No.4065 of 2021.

(vii).Considering the facts and circumstances of the case, there shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Index : Yes
Speaking Order : Yes
Neutral Citation : Yes
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To

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- 1.The III Additional Principal Family Court,
Chennai. (for O.P.No.4065 of 2021)
- 2.The III Additional Principal Family Court,
Chennai. (for O.P.No.1272 of 2021)



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R. SAKTHIVEL, J.

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