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C.R.P. No.213



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2025

CORAM

THE HON'BLE DR. JUSTICE P.B. BALAJI

C.R.P. No.2130 of 2025

Aarthi Ramanan ... Petitioner/ Petitioner/ Petitioner/ Respondent

-VS-

Prasanna Sankaran ... Respondent/ Respondent/ Respondent/ Petitioner

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Docket order passed in Memo No.Nil/2024 in I.A.No.1 of 2022 in H.M.O.P. No.121 of 2021 dated 17.08.2023 by the Hon'ble Sub Court at Tambaram.

For Petitioner : Mr. Adinarayana Rao

For Respondent : Mr. D. Arunkumar

**ORDER**

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This Civil Revision Petition is filed to set aside the Docket order passed in Memo No.Nil/2024 in I.A.No.1 of 2022 in H.M.O.P. No.121 of 2021 dated 17.08.2023 by the Hon'ble Sub Court at Tambaram.

2. Heard Mr. Adinarayana Rao, the learned counsel for the petitioner and Mr. D.Arunkumar, the learned counsel for the respondent.

3. The petitioner is the wife, who sought for dissolution of the marriage, after the respondent/ husband had initiated proceedings for restitution of conjugal rights. In the said restitution petition filed by the respondent/ husband, the petitioner/ wife had filed an interlocutory application in I.A.No.1 of 2022, seeking interim maintenance. The same came to be considered and by an order dated 16.11.2022, the Sub Court, Tambaram has directed the respondent/ husband to pay a monthly maintenance of Rs.25,000/- to the petitioner/ wife, till the disposal of the main petition on or before 5th day of every month to the petitioner/ wife.



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4. The learned counsel for the petitioner/ wife would submit that the petitioner had filed a memo before the Sub Judge, Tambaram, seeking clarification as regards the starting date of payment of maintenance. However, the said memo has not been acted upon and the Sub Court has simply received and closed the memo, which is evident from the copy of the adjudication in the case diary that is filed. The learned counsel for the petitioner would therefore state that order has to be clarified to mean that the maintenance at the rate of Rs.25,000/- per month, would be payable from the date of filing of the interim maintenance application i.e., from February 2022.

5. The learned counsel for the respondent/ husband would submit that the petitioner ought to have approached the Sub Court, Tambaram by way of an application and sought for modification of the order, and without doing so, he has chosen to file a memo, which has been rightly disregarded by the Sub Court and prays for dismissal of this civil revision petition.

6. I have considered the submissions made by the learned counsel on either side.



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7. No doubt, while passing the order, the Sub Court has not indicated the date from which the maintenance has to be paid. Rightly, the petitioner had brought it to the notice of the Court that it should be from the date of filing of interim maintenance application, as the law on this point is fairly well settled by now. However, the Sub Court has not taken cognizance of the said memo and had simply closed the memo and proceeded with the trial of the case. It is also brought to my notice that the respondent/ husband has been promptly paying the maintenance as awarded by the Sub Court and was not called upon to pay the arrears, and hence no payment has been made.

8. In the light of the above, it is clarified that the maintenance amount shall be paid from the date of filing of interim maintenance i.e., February 2022 onwards and in respect of arrears, the respondent/ husband shall settle the same within a period of twelve weeks from the date of receipt of copy of this order.

9. Accordingly, this civil revision petition is allowed and thereby, the Docket order passed in Memo No.Nil/2024 in I.A.No.1 of 2022 in H.M.O.P. No.121 of 2021 dated 17.08.2023 by the Sub Court at Tambaram is hereby set



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aside. There shall be no order as to costs.

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stn

To

The Subordinate Judge,
Tambaram.



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P.B. BALAJI, J.,
stn

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