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CRP(PD).No.3038 of 2024,



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED :19.02.2025**

CORAM

**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

**CRP.(PD).No.3038 of 2024**

**and**

**C.M.P.No.16343 of 2024**

Priyadharshan Chidhambrarajan

... Petitioner

**Vs.**

Aarthi

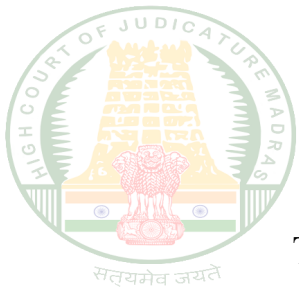
... Respondent

**Prayer:-** Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 06-04-2024 passed in IA.No.1/2023 in HMOP.NO.5692/2022 by the Honourable III Additional Family court Judge, Chennai.

For Petitioner : M/s.P.Amarnath

For Respondent : M/s.A.Saravanan

**ORDER**



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The above Civil Revision Petition is filed to set aside the fair and decreetal order passed in I.A.No.1 of 2023 in HMOP.No.5692 of 2022, on the file of the III Additional Family Court Judge, Chennai.

2. Brief facts are hereinbelow set out:-

3. The respondent/wife had filed HMOP.No.5692 of 2022 on the file of the III Additional Principal Family Court, Chennai seeking to dissolve the marriage between herself and the petitioner/husband on the ground of cruelty. The respondent/wife, pending the above HMOP had taken out an application for interim maintenance of a sum of Rs.50,000/- by filing I.A.No.1 of 2023. This petition was ordered by the III Additional Family Judge, Chennai by his order dated 06.04.2024 in and by which the petitioner/husband herein was directed to pay a sum of Rs.30,000/- per month to the respondent/wife towards interim maintenance. Challenging the said order, the petitioner/husband is before this Court.

4. It is informed by the learned counsel for the petitioner that



since the maintenance has not been paid the petitioner's defense has been struck off and he will be taking out an application for setting aside the order 'striking off the defence' and the learned counsel for the respondent would submit they will give the necessary no objection for the application.

5. As regards the order under revision, the learned Trial Judge had taken into consideration the petitioner's pay slip and the fact that the wife is unemployed and against the claim of Rs.50,000/- has awarded a sum of Rs.30,000/- towards interim monthly maintenance.

6. Considering the fact that the respondent herein has no objection to the allowing of the petition for setting aside the order striking off the defence in HMOP.No.5692 of 2022 and taking into account the fact that the interim maintenance granted appears to be reasonable as it has taken into consideration the income of the petitioner herein, the above Civil Revision Petition is disposed of with the following directions:-

(i) Once the petitioner's application for setting aside the order



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striking of the defence is filed, the respondent/petitioner shall give her no objection for the same. On such application being ordered and the defence being restored from that date within a period of 4 months thereof the HMOP shall be disposed of.

(ii) The petitioner is directed to pay the arrears of the interim maintenance to the respondent as granted by the Trial Court for the period of 7 months (from April 2024 to October 2024). No costs. Consequently, the connected Miscellaneous Petition is closed.

**19.02.2025**

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The III Additional Family Court Judge, Chennai.

**P.T. ASHA. J.,**



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(shr)

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**19.02.2025**