

WEB COPY



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

C.R.P.No.3491 of 2025 and CMP.No.18933 of 2025

Pricilla ... Petitioner

Vs.

Mahesh Kumar ... Respondent

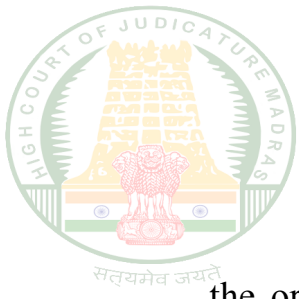
Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the II Additional Sub Court, Coimbatore to taken up on file to number the unnumbered I.A.S.R.No.10625 of 2025 in H.M.O.P.No.181 of 2021, which was returned as not maintainable, and to dispose of on merit.

For Petitioner : Mr.R.Chakkaravarthy

ORDER

Heard the learned counsel for the petitioner.

2. The Revision has been filed challenging the return of the I.A seeking stay of HMOP.No.181 of 2021. In view of non-compliance of



WEB COPY

the order granting interim maintenance under Section 24 of the Hindu Marriage Act in I.A.No.1 of 2023 dated 16.04.2024, the application has been filed complaining that the respondent has not complied with the order passed in Section 24 application. The Hon'ble Supreme Court as well as this Court have repeatedly held that order if an interim maintenance application is not complied with, then, in the event of the husband being the petitioner, the petition is liable to be dismissed and in event of the husband being the respondent, the defendant has to be struck off. Despite representing the returned application, it is seen that the II Additional Subordinate Court, Coimbatore has not entertained the application.

3. As held by this Court in ***Selvaraj Vs. Koodankulam Nuclear Power Plant India Limited*** reported in 2021 3 LW677, in the event of the Court not being satisfied with the maintainability of any Interlocutory Application filed by any of the parties, then the matter should be heard in open Court and the Registry shall not return the papers, more than once.



WEB COPY

4. In the light of the above, I am inclined to allow the Revision Petition and direct the petitioner to represent the I.A in SR.No.10625 of 2025 within a period of one week from the date of receipt of the original petition from the Registry of this Court. The learned II Additional Subordinate Judge, Coimbatore shall hear the counsel for the petitioner on the maintainability of the application of the open Court and thereafter pass orders on merits and in accordance with law.

5. Registry is directed to return the original petition to the learned counsel for the petitioner and receiving an acknowledgement from the learned counsel for the petitioner.

6. This Civil Revision Petition is allowed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Index : No
Internet : Yes
jas

06.08.2025



WEB COPY



4

P.B.BALAJI, J.

jas

To

The II Additional Sub Court, Coimbatore.

**C.R.P.No.3491 of 2025
and CMP.No.18933 of 2025**

06.08.2025

4 / 4