



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.249 of 2025

and

C.M.P.(MD).No.1498 of 2025

S.Raja

...Petitioner

Vs.

N.Veni Sahana

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 12.02.2024 made in I.A.No. 2 of 2023 in H.M.O.P.No.4 of 2023 on the file of the Sub Court, Ambasamudram and allow the Civil Revision Petition.

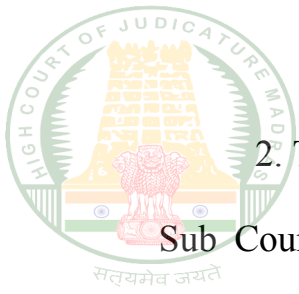
For Petitioner : Mr.A.Sankararamasubramanian

For Respondent : Mr.C.Saravanakumar

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ORDER

This Civil Revision Petition has been filed seeking to set aside the fair and decreetal order dated 12.02.2024 made in I.A.No.2 of 2023 in H.M.O.P.No. 4 of 2023 on the file of the Sub Court, Ambasamudram.



2. The respondent herein earlier filed H.M.O.P.No.132 of 2022 before the Sub Court, Ambasamudram, seeking divorce, which was dismissed for non-prosecution on 26.10.2022. Thereafter, the petitioner herein filed H.M.O.P.No.4 of 2023 before the same Court seeking divorce from the respondent on the ground of cruelty. Pending the said petition, the respondent filed an interlocutory application in I.A.No.2 of 2023 seeking interim maintenance. By an order dated 12.02.2024, the trial Court allowed the said application and directed the petitioner to pay a sum of Rs.5,000/- per month as interim maintenance to the respondent. Aggrieved by the said order, the petitioner has filed the present Civil Revision Petition.

3. The learned counsel for the petitioner submitted that the respondent was involved in inappropriate online communications through various mobile applications, including chats and video calls with several persons. It is further submitted that amounts were credited to the respondent's bank account through GPay and PhonePe by those individuals. The petitioner claims that obscene photos and video call recordings of the respondent are stored in her mobile phone. Despite such allegations, the trial Court granted interim maintenance without properly appreciating these facts, and hence, the order is unsustainable.

4. Per contra, the learned counsel for the respondent submitted that the photographs were taken by the petitioner himself and were misused against the



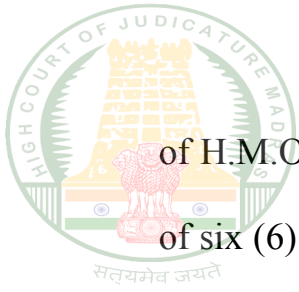
respondent. He further submitted that the issues raised by the petitioner are triable and can be adjudicated during the course of the main proceedings.

Therefore, the order of interim maintenance passed by the trial Court does not warrant interference.

5. Heard the learned counsel on both sides and perused the materials available on record.

6. The facts in the present case are not in dispute. The petitioner has levelled serious allegations against the respondent, including adultery, which are yet to be proved before the trial Court. The issue involves disputed facts and requires detailed adjudication. In such circumstances, directing the petitioner to pay interim maintenance without considering the gravity of the allegations and the nature of evidence alleged to be in possession of the petitioner may not be justified at this stage.

7. Accordingly, the fair and decreetal order dated 12.02.2024 passed in I.A.No.2 of 2023 in H.M.O.P.No.4 of 2023 is hereby set aside. The petitioner is permitted to produce and mark the photographs and video chat records along with a certificate under Section 65B of the Indian Evidence Act before the trial Court. The respondent is at liberty to take appropriate defence and rebut the allegations in the manner known to law. The trial Court is directed to dispose



of H.M.O.P.No.4 of 2023 on merits and in accordance with law, within a period of six (6) months from the date of receipt of a copy of this order.

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8. Accordingly, this Civil Revision Petition stands allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

10.07.2025

Internet: Yes/No
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To

1.The Sub Court, Ambasamudram.

2.The Section Officer,
VR Section,

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

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