



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(NPD)(MD)No.426 of 2025

and

C.M.P.(MD).No.2423 of 2025

Malikarjunan

...Petitioner

Vs.

Sathya

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records in I.A.No.1 of 2023 in H.M.O.P.No.5 of 2023 on the file of the learned Subordinate Judge, Melur and to set aside the order dated 28.07.2023.

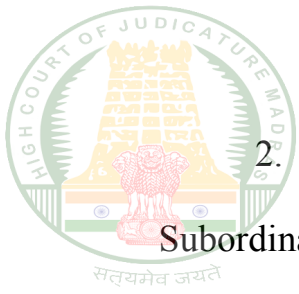
For Petitioner : Mr.M.Alaudheen

For Respondent : Mr.M.Gokulnath

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ORDER

This petition has been filed seeking to quash the case in I.A.No.1 of 2023 in H.M.O.P.No.5 of 2023 on the file of the learned Subordinate Judge, Melur, dated 28.07.2023.



2. The petitioner filed H.M.O.P.No.5 of 2023 before the learned Subordinate Judge, Melur, for granting divorce. An Interlocutory Application in I.A.No.1 of 2023 was also filed by the respondent herein, seeking interim maintenance until the disposal of the main petition.

3. The learned counsel appearing for the petitioner would submit that the petitioner filed a petition in H.M.O.P.No.5 of 2023 before the learned Subordinate Judge, Melur, for granting divorce. The respondent filed an Interlocutory Application in I.A.No.1 of 2023 seeking interim maintenance until the disposal of the main petition. The trial Court ordered payment of Rs.5,000/- per month each to the respondent and their son, along with Rs.15,000/- towards litigation expenses, effective from the date of the petition, i.e., 31.03.2023. Subsequently, H.M.O.P. No.5 of 2023 was allowed on 21.12.2024. Aggrieved by the order passed by the learned Subordinate Judge, Melur in I.A.No.1 of 2023, the present Civil Revision Petition has been filed.

3.(i). He would further submit that the petitioner is working as a Deputy Tahsildar. Although he earns Rs.45,000/- per month, he has been suffering from health issues and has undergone treatment for the same. Furthermore, the respondent had earlier filed a maintenance case in M.C. No.12 of 2019, in which a total maintenance amount of Rs.10,000/- was awarded. At present, the petitioner is paying Rs.22,000/- per month, which is highly excessive



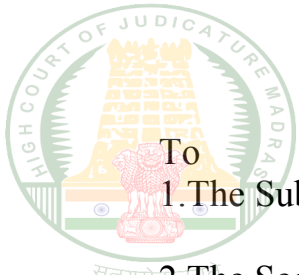
4. Per contra, the learned counsel appearing for the respondent would submit that the petitioner and the respondent were blessed with a male child born out of their wedlock. The learned Subordinate Judge, Melur, has awarded Rs.5,000/- each to the respondent and her son. However, no amount was fixed by the learned Subordinate Judge towards educational expenses. He would further submit that the respondent is residing in a rental house at Melur and is solely responsible for taking care of herself and her son. It is also submitted that the maintenance amount fixed by the learned Subordinate Judge is very meagre. The respondent has filed C.M.A.No.10 of 2025 before the learned VI District Court and Sessions Judge, Madurai.

5. It is seen that the petitioner is working as a Deputy Tahsildar. The learned Subordinate Judge has not fixed any amount towards educational expenses of the son, and the maintenance amount fixed is very meagre. The wife and son are entitled to receive maintenance unless it is proved that the wife has remarried.

6. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

06.06.2025

Internet: Yes/No
Index: Yes/No
TSG



To

1.The Subordinate Judge, Melur.

2.The Section Officer,

VR Section,

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

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