



CRP(MD). No.495 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 01/07/2025

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). Nos.495 and 496 of 2022
and CMP(MD) No.2164 of 2022**

Santhosh Kumar @ Sivakumar

... Petitioner in
both petitions

Vs

Parkavi

... Respondent in
both petitions

PRAYER :-Civil Revision petitions filed Under Article 227 of the Constitution of India, against the docket order made in GWOP.No.48 of 2020 dated 05-12-2020 insofar as against the order of interim maintenance to the respondent and order dated 05.11.2021, on the file of Principal District Judge,Theni.

In both petitions

For Petitioner : Mr.K.Sathishkumar

For Respondent : No appearance

COMMON ORDER

This Civil Revision Petitions are filed against the orders dated 05.12.2020 and 05.11.2021 in GWOP No.48 of 2020 on the file of the Principal District Judge, Theni.

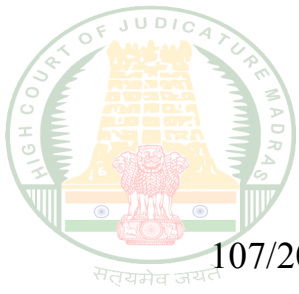


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2. The petitioner is the husband and the respondent is the wife.

The marriage between them was solemnized on 04.02.2018 and they were blessed with one male child on 27.11.2018 and due to matrimonial discord, the child is in the custody of the petitioner. Therefore, the respondent filed GWOP No.48/2020 for custody. During the pendency of the said petition, the trial Court passed an order on 05.12.2020 by directing the petitioner to pay Rs.5,000/- as interim maintenance to the wife and challenging the same, the petitioner is before this Court with CRP(MD) No.495/2022 and since the interim maintenance awarded was not paid, the trial Court has struck off the counter and proceeded with the trial in the petition filed by the respondent wife. Challenging the same, the petitioner has filed CRP(MD) No.496/2022.

3. The learned counsel for the petitioner would submit that both the revision petitions have been filed against the docket order and for seeking maintenance, the respondent has not filed any petition. However, the trial Court in the GWOP has passed an order of interim maintenance, which is not sustainable. The learned counsel would submit that when the respondent has filed a maintenance case in MC No.



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107/2022 on the file of the family Court and the same is posted on 10.07.2025, the interim maintenance granted in GWOP is to be interfered with.

4. Though notice was served on the respondent and name printed, neither the respondent nor the counsel is present to prosecute the matter.

5. I have considered the submissions made by the learned counsel for the petitioner and perused the materials available on record.

6. The fact that there is a matrimonial discord and the filing of GWOP and MC are not in dispute and that the trial Court has ordered Rs.5,000/- as interim maintenance to the respondent is also not disputed. The order of interim maintenance was not complied with and hence, the trial Court has proceeded with the case by striking the counter affidavit. Since the respondent/wife is residing separately and the GWOP was filed in the year 2020 and the maintenance case were pending for the past five years, the interim maintenance awarded is very meagre and hence, the order of the trial Court is not stated to be perverse. Accordingly, the Civil



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Revision Petitions are dismissed. However, liberty is granted to the petitioner to deposit 50% of the arrears before the trial Court within a period of four weeks from the date of receipt of a copy of this order and the remaining 50% shall be deposited within a period of four weeks thereafter. If the said amount is deposited, the trial Court is directed to take up the counter and dispose GWOP No.48/2020 within a period of six months thereafter in the manner known to law. Consequently connected Miscellaneous Petition is closed.

01.07.2025

NCC : Yes/No

Index : Yes/No

RR

TO

1.The Principal District Judge,Theni.

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) (NPD) Nos.495 and 496 of 2022**

Date : 01/07/2025