



C.R.P.(PD)(MD)Nos.599 & 600 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)Nos.599 & 600 of 2024

and

C.M.P(MD)No.2976 of 2024

C.R.P.(PD)(MD)No.599 of 2024

Aravinth

...Petitioner/Respondent/Petitioner

Vs.

Tamilarasi

...Respondent/Petitioner/Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order made in I.A.No.68 of 2022 in H.M.O.P.No.2 of 2022 by the Sub Court, Oddanchatram, dated 19.09.2023.

For Petitioner : Mr.D.Venkatesh

For Respondent : Mr.B.Rajesh Saravanan

* * * * *

C.R.P.(PD)(MD)No.600 of 2024

Aravinth

...Petitioner/Respondent/Petitioner

Vs.

Tamilarasi

...Respondent/Petitioner/Respondent



C.R.P.(PD)(MD)Nos.599 & 600 of 2024

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order made in I.A.No.85 of 2023 in H.M.O.P.No.2 of 2022 by the Sub Court, Oddanchatram, dated 30.01.2024.

For Petitioner : Mr.D.Venkatesh

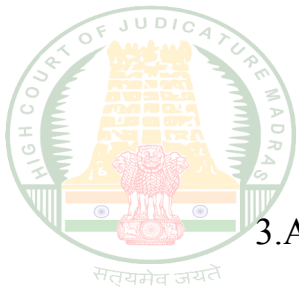
For Respondent : Mr.B.Rajesh Saravanan

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COMMON ORDER

The petitioners in H.M.O.P.No.2 of 2022, on the file of the Sub Court, Oddanchatram, have filed the present revision petitions, challenging the order of interim maintenance granted by the said Court, pending divorce proceedings.

2.The petitioners herein have filed the above said petition seeking divorce. Pending divorce proceedings, the wife has filed I.A.No.68 of 2022, seeking interim maintenance. The trial Court has passed an order on 19.09.2023, directing the husband to pay a sum of Rs.5,000/- to the wife and another sum of Rs.5,000/- to the minor sons as interim maintenance from the date of filing of the H.M.O.P. petition. The trial Court has further directed the petitioner to pay a sum of Rs.5,000/- towards the litigation expenses. Challenging the said order, the present revision petition has been filed.

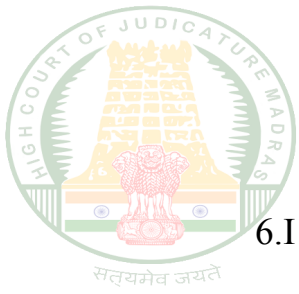


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3. According to the learned Counsel appearing for the revision petitioners, there is some doubt whether a sum of Rs.5,000/- alone has been awarded to both the wife as well as the minor son. He further submitted that the trial Court has proceeded to award a sum of Rs.5,000/- as litigation expenses for every month. He further contended that the petitioner is suffering from kidney disease and he is not in a position to pay the said maintenance amount. It is further contention of the petitioner that he is an unemployed person and he is relying upon the family pension of his mother to eke out his livelihood.

4. The learned Counsel appearing for the revision petitioners has further submitted that the wife is employed as Teacher in the Akshaya School in Oddanchatram, even as per the deposition in the trial Court. Now, she continues to be employed in a School and therefore, the order of maintenance is not sustainable.

5. Per contra, the learned Counsel appearing for the respondent/wife has submitted that even as per the deposition, the wife was employed only till 2018 and thereafter, she remains unemployed. Considering the fact that there is no reference about the employment of the wife in the assets and liability statement filed by the husband, the order passed by the trial Court may be sustained.

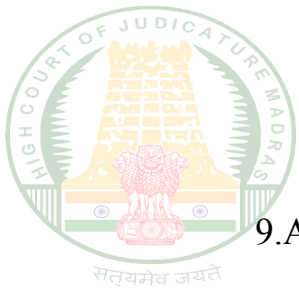


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6.I have considered the submissions made on either side and perused the materials available on record.

7.A perusal of the cross examination of the respondent herein in the present divorce petition reveals that she was employed in a School upto 2018. Therefore, it is clear that she is not employed from the year 2019 onwards. That apart, the petitioner has not produced any records to show that the wife is still employed either in a School or in a College. In such circumstances, this Court is not inclined to accept the contentions of the revision petitioner that the wife continues to be employed even today.

8.Considering the fact that the wife was employed till December 2018, this Court is of the considered opinion that the petitioner has to pay maintenance amount of Rs.5,000/- to his son from 01.01.2013 till December 2018 at the rate of Rs.5,000/-. Thereafter, the petitioner is liable to pay at the rate of Rs.10,000/- (Rs.5,000/-+Rs.5,000/-) from January 2019, till the disposal of H.M.O.P.



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9. According to the learned Counsel for the revision petitioner, upto January 2025, a sum of Rs.6,65,000/- has been paid. However, the learned Counsel appearing for the respondent/wife has submitted that she has received only a sum of Rs.6,25,000/- upto January 2025.

10. In view of the above said dispute, the learned Counsel appearing for the revision petitioner is directed to file a calculation memo along with supporting records before the Sub Court, Oddanchatram. The entire arrears amount as fixed, shall be paid by the revision petitioner on or before **30.04.2025**. On such payment, the Sub Court, Oddanchatram, is directed to restore H.M.O.P.No.2 of 2022, and pass orders on merits and in accordance with law on or before **31.10.2025**. The order of the trial Court with regard to litigation expenses of Rs.5,000/- shall stand confirmed. It is made clear that it is a one time payment.

11. With the above said observations, both the Civil Revision Petitions stand disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

25.03.2025

Internet: Yes/No
Index: Yes/No
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R.VIJAYAKUMAR, J.

RJR

To

The learned Sub Judge,
Oddanchatram.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.

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