



C.R.P.(MD)No.566 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[PD].(MD)No.566 of 2025

and

C.M.P.(MD)No.3092 of 2025

Muthuraja

... Petitioner

Vs.

Kousalya

... Respondent

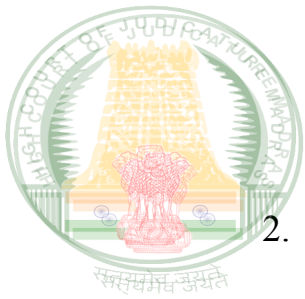
PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and ex-order dated 15.10.2024 passed in I.A.No.1 of 2024 in H.M.O.P.No.25 of 2024 on the file of the Sub-Court, Muthukulathur.

For Petitioner : Ms.P.Malini

For Respondent : No appearance

ORDER

This petition has been filed seeking to set aside the fair and ex-order dated 15.10.2024 passed in I.A.No.1 of 2024 in H.M.O.P.No.25 of 2024 by the Sub-Court, Muthukulathur.

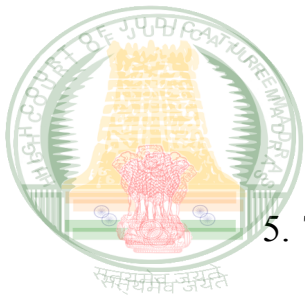


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2. The case of the petitioner is that the petitioner is the husband of the respondent. The marriage of the petitioner and the respondent was solemnized on 31.08.2014 at Keelavalasi and thereafter, they blessed with three children. The children were born on 4.06.2015, 17.11.2016 and 16.11.2018 and subsequently, there was a matrimonial dispute in between them and thereby, the petitioner filed a divorce petition in H.M.O.P.No.25 of 2024 before the Sub-Court, Muthukulathur on the ground of adultery. Pending HMOP, the respondent filed I.A.No.1 of 2024 for claiming interim maintenance. The trial Court after contest, awarded a sum of Rs.4,000/- to the respondent/wife and for three children Rs.1,500/- each totally a sum of Rs.8,500/-. Challenging the same, the present Civil Revision Petition is filed.

3.The learned counsel for the petitioner submits that the petitioner is ready to pay the amount of Rs.1,500/- each to the children as awarded by the trial Court, however he refused to pay any maintenance to his wife on the ground that she is having adultery and prays for appropriate orders.

4. Heard the learned counsel appearing for the petitioner. Though notice was served on the respondent she has not chosen to appear either in person or through counsel.



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5. Though the petitioner filed divorce petition against the respondent on the ground of adultery, however the same has to be proved at the time of trial. It is an admitted fact that every male member or earning member of the family is obligated to maintain his wife and children. In the present case also the respondent, who being a wife of the petitioner, obtained an order for maintaining herself and her minor children. However, the petitioner without paying the maintenance amount, has filed present petition seeking to set aside the order of maintenance on the ground that the respondent is having adultery. It is to be noted that the trial Court has ordered the petitioner to pay a meagre sum of Rs.4,000/- to his wife and Rs.1,500/- each to the three children.

6.From the above, this Court is of the view that the order of the trial Court need not be interfered. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

11.07.2025

Internet:Yes/No

Index:Yes/No

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To

- 1.The Sub-Court,
Muthukulathur.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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