



C.R.P(MD).No.1109 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1109 of 2024

and

C.M.P(MD) No.6177 of 2024

K.Anburaj @ Jayaprakash

...Petitioner

Vs.

1.Nithyasheela

2.Minor A.Jayajeyshee

D/o.K.Anburaj@ Jayaprakash

Rep.by her mother and natural

Guardian Tmt.Nithyasheela

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the order passed by the Sub Court, Uthamapalayam in I.A.No.1 of 2022 in H.M.O.P.No.188 of 2022 dated 06.04.2023.

For Petitioner

: Mr.C.Susikumar

For Respondent

: Mr.A.Ganesan



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ORDER

This Civil Revision Petition has been filed against the order passed by the Sub Court, Uthamapalayam in I.A.No.1 of 2022 in H.M.O.P.No.188 of 2022 dated 06.04.2023.

2. The petitioner is the husband and the first respondent is the wife and their marriage was solemnized on 17.02.2017 and they were blessed with a female child on 15.11.2017. Due to matrimonial discard, the petitioner filed a petition for divorce in HMOP No.188 of 2022 on the file of Sub Court, Uthamapalayam and the respondent/wife filed a petition for restitution of conjugal rights in H.M.O.P.No.250 of 2023 on the same court and also filed a petition in I.A.No.1 of 2022 under Section 24 of the Hindu Marriage Act, seeking interim maintenance. The trial Court ordered the said petition granting a sum of Rs.6,000/- to the first respondent and Rs.4,000/- to the second petitioner, totally a sum of Rs.10,000/- as interim maintenance, *vide* order dated 06.04.2023. Aggrieved by the said order of maintenance, the petitioner is before this Court.



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3. The learned counsel for the petitioner would submit that the petitioner is working in a grocery shop and the said grocery shop belongs to his sister and she is taking care of the petitioner and paying him a sum of Rs.5,000/- as monthly salary. Except this amount, the petitioner does not receive any salary . Even then, the trial Court ordered to pay a sum of Rs.10,000/- as interim maintenance, which is on the higher side and not sustainable one. Accordingly, he prays for appropriate orders.

4.Per contra, the learned counsel appearing for the respondents would submit that the petitioner is running a grocery shop and earning more than Rs.50,000/-. The trial court has ordered only Rs.6,000/- to the wife and Rs.4,000 to the daughter as interim maintenance. Apart from that, recently the first respondent paid a sum of Rs.20,000/- as school fee to the second respondent. However, the petitioner has not even paid a single rupee as maintenance to the respondents. Therefore, the order of the trial court granting interim maintenance of Rs.10,000 to the respondents is reasonable, which need not be interfered with. Accordingly, he prays for dismissal of this revision petition.



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

5.The records would show that from the year 2022, the first respondent and her daughter have been living separately. The revision petitioner is legally bound to maintain them. The first respondent has clearly set out before the trial Court that she is facing difficulty to maintain herself. The learned Judge taking into account the fact that the revision petitioner, as the husband, has failed in his duty to maintain the wife, ordered a sum of Rs.10,000/-, which cannot be considered to be on the higher side. In these circumstances, I do not find any reason to interfere with the orders passed by the learned Subordinate Judge, Uthmapalayam.

6.Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

07.07.2025

NCC:Yes/No

Index:Yes/No

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To:-

1. The Subordinate Judge,
Uthamapalayam.

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



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M.DHANDAPANI, J.

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