



C.R.P.(MD)No. 1135 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1135 of 2023

and

C.M.P.(MD)No.5443 of 2023

P.Rengarajan

...Petitioner

Vs.

T.Pothuponnu

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order dated 17.11.2022 in I.A.No. 01 of 2022 in H.M.O.P. No.53 of 2019, on the file of the Subordinate Court, Manapparai and allow the Civil Revision Petition.

For Petitioner : Mr.AN.Ramanathan

For Respondent : Mr.A.Joel Paul Antony



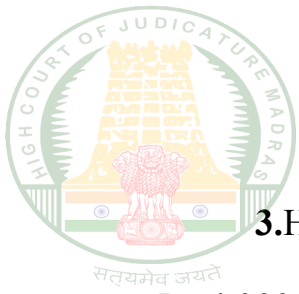
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ORDER

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This petition has been filed seeking to set aside the fair and decreetal order dated 17.11.2022 in I.A.No. 01 of 2022 in H.M.O.P. No.53 of 2019, on the file of the Subordinate Court, Manapparai.

2.Learned Counsel for the petitioner would submit that the marriage between the petitioner / husband and the respondent / wife was solemnized on 03.07.2011. Later, due to matrimonial dispute, the petitioner / husband filed a divorce petition in H.M.O.P.No.30 of 2016 before the Principal Sub Court, Trichy. Thereafter, the case was transferred to Sub Court, Manapparai and renumbered as H.M.O.P.No.53 of 2019. The respondent / wife filed I.A.No.01 of 2022, claiming interim maintenance under Section 24 of the Hindu Marriage Act and the same was allowed by directing the petitioner to pay a sum of Rs.4,000/- as monthly maintenance on or before 5th of every month and Rs.5,000/- for litigation expenses. Challenging the same, the present Civil Revision Petition has been filed. The same was dismissed by this Court on 26.04.2023. However, since there was no clarification regarding from which date the petitioner has to pay the interim maintenance, the petitioner filed a clarification petition before this Court and this Court re-called the earlier order dated 26.04.2023.

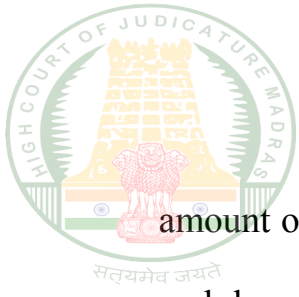


3.However, learned Counsel for the petitioner would submit that Rs.4,000/- ordered by the trial Court is not sustainable, since the said order has been passed without any material and the same deserves to be dismissed. Accordingly, prays for appropriate orders.

4.Per contra, learned Counsel for the respondent / wife would submit that interim maintenance is only Rs.4,000/-. Except this, no other maintenance was obtained by the respondent / wife. Rs.4,000/- is a very meagre amount and accordingly, prays for dismissal of this Civil Revision Petition.

5.The facts in the present case are not in dispute and the relationship between the parties is also not in dispute. Admittedly, the petitioner / husband filed a H.M.O.P.No.53 of 2019, on the file of the Sub Court, Manapparai, for divorce, in which the respondent / wife filed I.A.No.1 of 2022, claiming maintenance. The trial Court ordered a sum of Rs.4,000/- to the respondent. Admittedly, it is the duty of the husband to maintain his wife. However, the petitioner has not paid the maintenance amount till date.

6.Considering the facts and circumstances of the case and also considering the cost of living in the present scenario, this Court finds that the



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amount of Rs.4,000/- ordered by the trial Court as maintenance to be reasonable and does not find any reasons to interfere with the same. Accordingly, the order passed by the trial Court is sustained. The petitioner is directed to pay the arrears of maintenance from the date of filing I.A.No.1 of 2022 to till date, within a period of six [4] weeks from the date of receipt of a copy of this order. However, on failure to deposit the arrears of maintenance amount, the respondent / wife is at liberty to proceed in accordance with law, for realization of the maintenance amount. The petitioner is also directed to pay the monthly maintenance amount of Rs.4,000/- regularly, on or before 7th of every month. On receipt of the proof of deposit of the entire arrears amount, the Sub Court, Manapparai, is directed to dispose of the H.M.O.P.No.53 of 2019, as expeditiously as possible.

7.Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

03.07.2025

Internet:Yes/No

Index:Yes/No

MR



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To

- 1.The Subordinate Court,
Manapparai.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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