



C.R.P.(MD)Nos.1423 & 1432 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[PD].(MD)Nos.1423 & 1432 of 2025

and

C.M.P.(MD)Nos.7312 & 7323 of 2025

C.R.P.[PD].(MD)No.1423 of 2025:

V.Muniyasamy

...Petitioner

Vs.

1.M.Chithirai Selvi

2.Minor Roopa

3.Minor xxxx

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside by the order dated 28.01.2025 passed in I.A. No.04/2024 in H.M.O.P.No.68/2022, on the file of Subordinate Judge, Muthukulathur.

For Petitioner : Ms.P.Malini

For Respondents : No Appearance



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V.Muniyasamy

...Petitioner

Vs.

M.Chithirai Selvi

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside by the order dated 28.01.2025 passed in I.A. No.06/2024 in H.M.O.P.No.68/2022 on the file of Subordinate Judge, Muthukulathur.

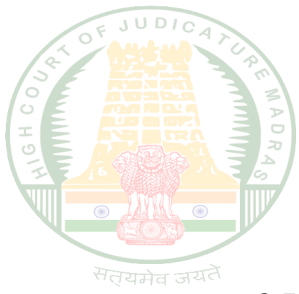
For Petitioners : Ms.P.Malini

For Respondents : No Appearance

ORDER

These petitions have been filed seeking to set aside the orders dated 28.01.2025 passed in I.A.Nos.04 & 06 of 2024 in H.M.O.P.No.68/2022, on the file of the learned Subordinate Judge, Muthukulathur.

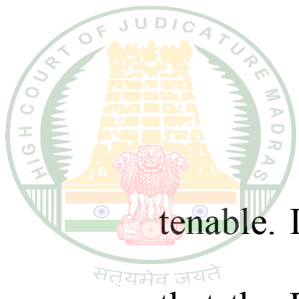
2.Since the issue in these Civil Revision Petitions are between same parties, these Civil Revision Petitions are taken up together and are being disposed of by this common order.



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3.Learned Counsel for the petitioner would submit that the petitioner is the husband and the first respondent is his wife. The marriage between the petitioner and the respondent was solemnized on 16.08.2006 in Murugan Temple, Kamuthi as per the Hindu customs. Out of the wedlock, they were blessed with two children. Subsequently, there was a matrimonial dispute between the petitioner and the respondent and hence, the petitioner filed divorce petition in H.M.O.P.No.68 of 2022, in which the respondent filed I.A.No.4 of 2024, claiming interim maintenance and the petitioner also filed I.A.No.6 of 2024, to conduct DNA test for the petitioner and his second child. The petition for DNA test was declined by the trial Court. However, in the I.A. filed by the respondent / wife, the trial Court ordered interim maintenance of Rs.4,000/- to the respondent / wife and Rs.3,000/- to both the children. Challenging the same, the present Civil Revision Petitions have been filed.

4.Learned Counsel for the petitioner would submit that in respect of the maintenance amount ordered by the trial Court, the same is not tenable. She submits that the petitioner went to Kuwait and he sent a huge amount, for which no account was maintained by the respondent and without ordering re-payment of the said amount, the trial Court ordering maintenance of Rs.7,000/- is not



tenable. In respect of the DNA test, learned Counsel for the petitioner submits that the DNA test petition was dismissed mainly on the ground that the same was not pleaded in the original petition and has been pleaded only subsequently in the I.A. for finding out the biological father of the second male child of the petitioner and hence, the said petition came to be dismissed, which requires interference by this Court. Accordingly, he prays for appropriate orders.

5.Though the names of the respondents are printed in the cause title, none appears for the respondents. Considering, the nature of the case in hand, this Civil Revision Petition is disposed of, in the absence of the respondents with materials available on record.

6.Admittedly, the petitioner and the first respondent are husband and wife and due to some matrimonial dispute, the petitioner filed divorce petition in H.M.O.P.No.68 of 2022. In the said divorce petition, the respondent filed I.A.No.4 of 2024, claiming interim maintenance and the petitioner filed I.A.No. 6 of 2024, to conduct DNA test for the petitioner and his second child. In the interim maintenance petition filed by the respondent / wife, the trial Court ordered interim maintenance of Rs.4,000/- to the respondent / wife and Rs. 3,000/- to both the children, totally Rs.7,000/- per month. The amount fixed by



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the trial Court as interim maintenance is a just and fair amount. It is the duty of the petitioner / husband to maintain his wife and children. Hence, the said order of the trial Court needs no interference by this Court.

7.As regards the dismissal of I.A.No.6 of 2024, for DNA test is concerned, though the petitioner claims that only once in three years he visits India, as rightly pointed out by the trial Court, such a main plea was not taken by the petitioner in the original divorce petition. Moreover, the passport of the petitioner was also not produced by the petitioner before the trial Court to substantiate his case. Hence, the subsequent plea raised by the petitioner is not maintainable. As such, the impugned orders passed by the trial Court needs no interference.

8.Accordingly, these Civil Revision Petitions are dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

14.07.2025

Internet:Yes/No

Index:Yes/No

MR



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To

- 1.The Subordinate Judge,
Muthukulathur.
- 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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