



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)Nos.1213 of 2022 and 315 of 2023

and

C.M.P(MD)Nos.4934 of 2022 & 1503 of 2023

K.Karthik

.. Petitioner in both petitions

Vs.

Muthuselvi

.. Respondent in both petitions

PRAYER in CRP(MD)No.1213 of 2022: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the arrest Order passed in E.P.No.48 of 2020 dated 23.04.2022 in I.A.No.24 of 2015 in H.M.O.P.No.1 of 2015 on the file of the Principal Sub Court, Tirunelveli District.

PRAYER in CRP(MD)No.315 of 2023: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the arrest Order passed in I.A.No.1 of 2022 dated 01.12.2022 in H.M.C.M.A.No.4 of 2022 on the file of the Additional District Judge(FTC), Tenkasi.

In both petitions:

For Petitioner : Mr.J.John

For Respondent : Mr.Y.Prakash

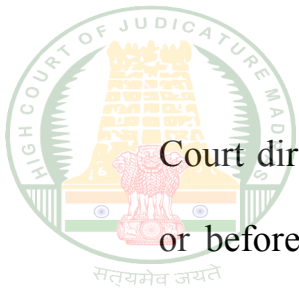


COMMON ORDER

WEB COPY Since the issue involved in these two revision petitions are one and the same, these petitions are disposed of by way of this common order.

2. The learned counsel for the petitioner/husband would submit that the petitioner filed a divorce petition in HMOP.No.1 of 2015 before the Additional Sub Court, Tirunelveli. During the pendency of the divorce petition, the respondent/wife filed I.A.No.24 of 2015 for payment of interim maintenance in which the trial Court ordered Rs.6,000/-per month as interim maintenance and the same was not complied by the petitioner herein. Thereby, the respondent/wife filed E.P.No.48 of 2020 and in which the learned Principal Sub Judge, Tirunelveli vide order dated 23.04.2022 ordered for arrest of the petitioner for non payment of arrears of maintenance amount. Challenging the same, C.R.P(MD)No.1213 of 2022 has been filed.

3. The respondent/wife has filed a divorce petition in HMOP.No.38 of 2018 on the file of the Sub Court, Sankarankovil and the same was allowed by giving finding against the petitioner/husband. Aggrieved by the said finding, the petitioner/husband filed H.M.C.M.A.No.4 of 2022 on the file of the District Judge (FTC), Tenkasi. In that HMCMA, the respondent/wife filed I.A.No.1 of 2022 claiming the arrears of interim maintenance. However, the lower appellate



Court directed the petitioner to deposit the arrears amount before the Court on or before 02.01.2023, failing which all the proceedings of the appeal will be struck off. Challenging the same, C.R.P(MD)No.315 of 2023 has been filed by the petitioner/husband.

4. The learned counsel for the petitioner would submit that after marriage, the petitioner had given the jewels to the respondent/wife and the said jewels were not returned to him and excess amount was paid subsequently. Hence, she is not entitled for maintenance amount.

5. Per contra, the learned counsel for the respondent/wife would submit that in I.A.No.24 of 2015 filed by the wife, the trial Court has ordered Rs.6000/- as interim maintenance. In I.A.No.1 of 2022 in HMCMA.No.4 of 2022, the petitioner was directed to pay the interim maintenance of Rs.1,94,000/- for the wife and Rs.94,900/- being the entire arrears of interim maintenance for her son minor Kamaleswaran. He further submitted that the petitioner has not paid the interim maintenance amount as ordered by the trial Court.

6. However, the learned counsel for the petitioner submitted that the respondent/wife is not entitled for maintenance after her second marriage. However, without challenging the IA and EP before the trial Court, filing of the present petitions are not permissible.



7. Accordingly, these Civil Revision Petitions are dismissed. However, the petitioner shall deposit the arrears amount within a period of four weeks from the date of receipt of a copy of this order, failing which, the trial Court is at liberty to take effect of the order passed in E.P.No.48 of 2020 dated 23.04.2022 in I.A.No.24 of 2015 in H.M.O.P.No.1 of 2015 in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

01.07.2025
(3/3)

Internet: Yes/No
Index: Yes/No
NCC: Yes/No

PJL

To

1. The Principal Sub Court, Tirunelveli District.

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



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C.R.P.(PD)(MD)No.1213 of 2014





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C.R.P.(PD)(MD)No.1213 of 2022



M.DHANDAPANI, J.

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C.R.P.(PD)(MD)No.1213 of 2022

01.07.2025