



C.R..P.(PD)(MD).No.1444 of 2024

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 28.04.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

C.R.P(PD)(MD)No.1444 of 2024

and

C.M.P(MD) No.8557 of 2024

V.Manivannan

... Petitioner/Petitioner

Vs.

T.R.Metha

... Respondent/Respondent

**PRAYER:** Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the docket order in H.M.O.P.No.338 of 2024 on the file of the III Additional Sub Judge/(MACT), Tiruchirappalli, dated 14.06.2024 and allowed this Civil Revision Petition.

For Petitioner : Mr.G.Karnan

For Respondent : No appearance

**ORDER**

The petitioner in H.M.O.P.No.338 of 2024 on the file of the III Additional Sub Court, Tiruchirappalli, has filed the present Civil Revision



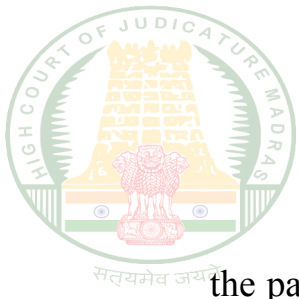
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Petition challenging the docket order dated 14.06.2024, wherein the petitioner has been directed to let in evidence first.

2. The petitioner herein/husband had filed H.M.O.P.No.338 of 2015 for the relief of divorce. The wife had filed H.M.O.P.No.295 of 2016 seeking restitution of conjugal rights. Both the petitions were heard together and a common order was passed on 03.08.2019. The learned III Additional Subordinate Judge, Tiruchirappalli, at the time of granting interim orders had directed the husband to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) as permanent alimony within two months from the date of the order or in the alternative to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) towards monthly maintenance. The learned Judge has also directed to pay a sum of Rs.6,00,000/- (Rupees Six Lakhs only) towards the value of the Car, if it was not returned by the husband.

3. Challenging the said conditions imposed in the order, the husband has filed C.M.A.No.10 of 2021 before the I Additional Session Judge, Tiruchirappalli. The appeal was allowed on 21.04.2023 and it was remanded back to the trial Court on the ground that there are no pleadings or prayer on



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the part of the wife and in such circumstances, such an order should not have been passed.

4. After remand, the trial Court has passed the present impugned order on 14.06.2024 directing the petitioner/husband to let in evidence first. Challenging the said order, the present Civil Revision Petition has been filed.

5. According to the learned counsel appearing for the revision petitioner, either in H.M.O.P.No.338 of 2015 or in H.M.O.P.No.295 of 2016 there was no pleadings or prayer with regard to the monthly maintenance or for permanent alimony or for return of Rs.6,00,000/- (Rupees Six Lakhs only) towards value of the Car. He further submitted that he is already paying monthly maintenance of Rs.10,000/- (Rupees Ten Thousand only) per month, as per the orders passed in M.C.No.79 of 2015 dated 03.05.2017. In such circumstances, the entire burden would be upon the respondent/wife to let in evidence and to establish that she is entitled to seek maintenance. In such circumstances, the trial Court ought not to have directed the petitioner/husband to let in evidence first.



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6. Heard the learned counsel appearing for the petitioner/husband.

Though the wife was served on 21.02.2025 and her name is also printed in the cause list, she has not chosen to appear either in person or through her counsel. Therefore, this Court proceeds to pass the orders on merits based on the submissions made by the learned counsel appearing for the petitioner and after perusing the records.

7. According to the learned counsel appearing for the petitioner, he is already paying maintenance at the rate of Rs.10,000/- (Rupees Ten Thousand only) in compliance with the orders passed in M.C.No.79 of 2015. The learned I Additional Sessions Judge, Tiruchirappalli, while allowing C.M.A.No.10 of 2021 had pointed out that there is no pleadings or prayer on the part of the wife seeking permanent alimony or for return of the value of the Car.

8. In such circumstances, it is for the wife to let in evidence to establish the fact that she is entitled to receive maintenance or she is entitled to get back the value of the Car. In such circumstances, the order of the trial Court directing the petitioner to let in evidence first is not legally sustainable.



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9. Accordingly, the order impugned in the Revision Petition is set aside and this Civil Revision Petition stands allowed. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

**28.04.2025**

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

1. The III Additional Sub Judge/(MACT),  
Tiruchirappalli.
2. The Section Officer,  
Vernacular Records,  
Madurai Bench of Madras High Court,  
Madurai.



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**R.VIJAYAKUMAR,J.**

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