



C.R.P.(MD)No.1735 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1735 of 2025

and

C.M.P.(MD)No.9405 of 2025

Munusamy

...Petitioner

Vs.

Kalaiselvi

...Respondent

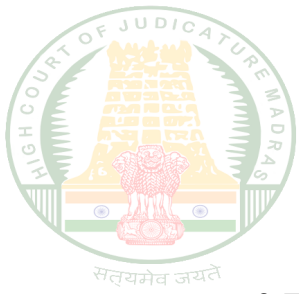
PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the impugned fair and executable order dated Nil.01.2025 passed in I.A.No.09 of 2024 in H.M.O.P.No.56 of 2020, on the file of the Sub-Court, Vedasanthur by allowing this Civil Revision Petition.

For Petitioner : Mr.A.Arul Jenifer

For Respondent : Mrs.J.Bala Meenakshi

ORDER

This petition has been filed seeking to set aside the impugned fair and executable order dated 17.04.2025 passed in I.A.No.09 of 2024 in H.M.O.P.No. 56 of 2020, on the file of the Sub-Court, Vedasanthur.



C.R.P.(MD)No.1735 of 2025

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2.The petitioner and the respondent are husband and wife. The marriage between the petitioner and the respondent was solemnized on 04.03.2012 at M.P.Mahal, Vedasanthur, Dindigul District as per Hindu Rites and Customs. After the marriage, they blessed with two children and subsequently, there was a matrimonial dispute in between them. Therefore, the petitioner claims that the respondent/wife refused to live with him, he filed a petition in H.M.O.P.No.53 of 2018 for Restitution of Conjugal Rights and the same was allowed in favour of the petitioner on 08.08.2019. Aggrieved against the said order, the respondent/wife preferred an appeal in C.M.A.No.37 of 2019, on the file of the Principal District Court, Dindigul and the same was dismissed on 12.06.2025 and prior to that, since the respondent is not ready to live with the petitioner and deserted for long time, the petitioner filed H.M.O.P.No.56 of 2020 before the Sub Court, Vedasanthur. In the pending H.M.O.P.No.56 of 2020, the respondent/wife filed I.A.No.27/2023 for interim maintenance. The learned Sub-Judge, Vedasanthur ordered for Rs.30,000/- as interim maintenance. For non-payment of interim maintenance awarded by the trial Court on 12.07.2023, the respondent filed I.A.No.9 of 2024 seeking to dismiss the H.M.O.P.No.56 of 2020 on the ground of non-payment of arrears amount ordered in I.A.No.27 of 2023 and the same was allowed by the trial Court vide order dated 17.04.2025



C.R.P.(MD)No.1735 of 2025

on condition that the petitioner shall pay the arrears of maintenance amount on or before 12.06.2025, failing which H.M.O.P.No.56 of 2020 has to be dismissed. Challenging the same, the present Civil Revision Petition has been filed.

3. The learned counsel for the petitioner would submit that as per the direction issued by this Court dated 24.06.2024, the petitioner deposited 50% of the arrears of amount on 07.07.2025 and hence, this Court may show some leniency to the petitioner to restore the H.M.O.P.No.56 of 2020 and may direct the trial Court to dispose the said HMOP on merits and in accordance with law.

4. Per contra, the learned counsel for the respondent would submit that admittedly interim maintenance was awarded a sum of Rs.30,000/- to three persons namely the respondent/wife and her children vide order dated 12.7.2023 in I.A.No.27 of 2023 and non-payment of interim maintenance awarded by the trial Court on 12.07.2023, the respondent filed I.A.No.9 of 2024 seeking to dismiss the H.M.O.P.No.56 of 2020 on the ground of non-payment of arrears amount ordered in I.A.No.27 of 2023 and the same was allowed by the trial Court vide order dated 17.04.2025 on condition that the petitioner shall pay the



C.R.P.(MD)No.1735 of 2025

arrears of maintenance amount on or before 12.06.2025, failing which H.M.O.P.No.56 of 2020 has to be dismissed. The trial Court has rightly allowed the application and there is no interference is required and prays for dismissal of the Civil Revision Petition.

5. Considering the facts and circumstances of the case and also considering the fact that the trial Court has rightly awarded the interim maintenance of Rs.30,000/- to the respondent and her children, but the petitioner has not paid the said amount, the respondent filed an application seeking to dismiss H.M.O.P.No.56 of 2020 on the ground of non-payment of maintenance amount and the trial Court has ordered to pay the maintenance of arrears on or before 12.06.2025, this court is not inclined to allow the Civil Revision Petition.

6. Accordingly, the Civil Revision Petition is dismissed and the petitioner is directed to deposit the remaining 50% of the amount within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the trial Court is directed to dispose of the H.M.O.P.No.56 of 2020 as expeditiously as possible. The trial Court is directed to disburse the amount already deposited by the petitioner to the respondent within a period of two



C.R.P.(MD)No.1735 of 2025

weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

15.07.2025

Internet: Yes/No

Index: Yes/No

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To

1. The Sub-Court,
Vedasanthur.

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



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C.R.P.(MD)No.1735 of 2025

M.DHANDAPANI, J.

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C.R.P.(MD)No.1735 of 2025

15.07.2025