



C.R.P.(MD)No.1801 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1801 of 2023

and

C.M.P.(MD)No.9003 of 2023

Gopinath

...Petitioner

Vs.

Seema

...Respondent

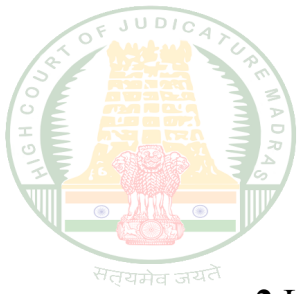
PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the order in I.A.No.40 of 2021 in HMOP No.84 of 2019 dated 03.01.2023 passed by the learned Subordinate Judge, Melur.

For Petitioner : Mr.S.M.A.Jinnah

For Respondent : Mr.S.Poorna Chandran

ORDER

This petition has been filed seeking to set aside the order in I.A.No.40 of 2021 in HMOP No.84 of 2019 dated 03.01.2023 passed by the learned Subordinate Judge, Melur.



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2.Learned Counsel for the petitioner would submit that the petitioner husband and the respondent wife's marriage was solemnized on 27.08.2015. Out of the wedlock, they were blessed with one male child and thereafter, there was a matrimonial dispute between them. Therefore, the petitioner filed a petition for divorce in HMOP No.84 of 2019, in which the respondent wife filed interim maintenance application under Section 24 of Hindu Marriage Act, in which the trial Court by its order dated 03.01.2023, directed the petitioner to pay a sum of Rs.6,000/- towards the medical expenses of the child and Rs.10,000/- towards other expenses for the child. Challenging the same, the present Civil Revision Petition has been filed.

3.Learned Counsel for the petitioner would submit that though the petitioner is employed in I.T. field, the respondent is also working in a private bank and earning more than 50,000/- and she is capable of maintaining herself and her child. He would further submit that Rs.16,000/- awarded as interim maintenance is highly excessive and accordingly, prays for appropriate orders. Learned Counsel for the petitioner also prays for visitation rights of his minor child.



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4.Per contra, learned Counsel for the respondent would submit that the respondent has to take care of herself and her hyperactive child aged about 9 years, who is frequently ill. He further submits that Rs.16,000/- is not sufficient to maintain herself and her child and even this meagre amount cannot be interfered with. Accordingly, he prays for appropriate orders.

5.The facts in the present case are not in dispute. The relationship between the petitioner and the respondent is also an admitted one. The petitioner / husband filed a petition for divorce in HMOP No.84 of 2019, in which the respondent / wife filed interim maintenance application, in which the trial Court by its order dated 03.01.2023, directed the petitioner to pay a sum of Rs.6,000/- towards the medical expenses of the child and Rs.10,000/- towards other expenses for the child. Admittedly, it is the duty of the husband to maintain his wife and children. However, considering the submissions made by the learned Counsel for the petitioner, this Court reduces the interim maintenance and directs the petitioner to pay a sum of Rs.10,000/- as monthly maintenance from the date of the petition to till date. The said maintenance amount shall be paid on or before 7th of every month. However, it is also the duty of the father to pay the school fees to his child. Hence, the petitioner is



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directed to pay the school fees every year. The respondent is directed to send a communication of the school fees details to the petitioner, enabling the petitioner to pay the school fees directly to the school.

6.With regard to the visitation rights, the petitioner is directed to visit his child every Sunday between 3.00 p.m. to 06.00 p.m., at Shivan Temple, Melur. Further, since the HMOP is of the year 2019, the trial Court is directed to dispose of the HMOP No.84 of 2019, within a period of six [6] months from the date of receipt of a copy of this order.

7.Accordingly, this Civil Revision Petition stands disposed of. 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 Judge,
Melur.
- 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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