

C.R.P.(MD)Nos.2097 and 2098 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P(PD)(MD)Nos.2097 and 2098 of 2024

and

C.M.P(MD) Nos.11957 and 11959 of 2024

S.Saravanakumar

... Petitioner/Respondent
Petitioner
(in both petitions)

Vs.

Usharani

... Respondent/Petitioner/
Respondent
(in both petitions)

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of Constitution of India, to call for the records relating to the fair order passed in I.A.Nos.1 and 2 of 2023 in HMOP No.302 of 2022 on the file of the Principal Sub Court, Trichy, dated 18.03.2024 and to set aside the same as illegal.

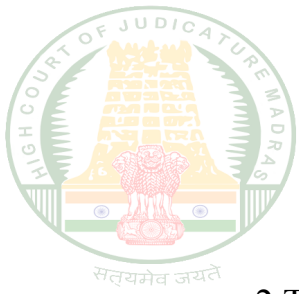
In both petitions:

For Petitioner : Mr.S.M.Kadhar

For Respondent : Mr.C.K.M.Appaji

COMMON ORDER

These Civil Revision Petitions are filed challenging the order passed in I.A.Nos.1 and 2 of 2023 in HMOP No.302 of 2022 on the file of the Principal Sub Court, Trichy, dated 18.03.2024.



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2.The petitioner and the respondent in both petitions were married and blessed with one child. Thereafter, there was a matrimonial dispute between the petitioner and the respondent. Thereby, the petitioner filed a petition for divorce in H.M.O.P.No.302 of 2022 on the file of the Sub Court, Trichy. In the divorce proceedings, the respondent/wife filed interlocutory applications in I.A.Nos.1 and 2 of 2023 claiming litigation expenses and interim maintenance. The said application were allowed by directing the petitioner to pay a sum of Rs.25,000/- towards litigation expenses and Rs.10,000/- as interim maintenance. Challenging the same, the present Civil Revision Petitions are filed.

3.The learned counsel for the petitioner submitted that admittedly, the petitioner filed a divorce petition in H.M.O.P.No.302 of 2022 on the file of the Principal Sub Court, Trichy. Though the respondent filed an application for restitution of conjugal rights, she has never shown any interest to live with the petitioner. Earlier the petitioner employed in abroad. Thereafter, he came to India and now he is jobless. Therefore, directing the petitioner to pay a sum of Rs.15,000/- as monthly maintenance is highly exorbitant. Hence, he prayed for appropriate orders.



4.The learned counsel for the petitioner further submits that this Court earlier referred this matter to mediation to explore the possibilities of settlement. In the mediation, the petitioner had agreed to pay a sum of Rs. 5,00,000/- as permanent alimony and the respondent refused to receive the same.

5.Per contra, the learned counsel for the respondent submitted that admittedly, the petitioner's husband filed the divorce application as against the respondent and the petitioner failed to take care of the respondent and his child. Therefore, the respondent filed an application in I.A.Nos.1 and 2 of 2023 seeking litigation expenses and interim maintenance. The trial Court considering the facts and circumstances of the case has directed the petitioner to pay a sum of Rs.15,000/- towards monthly maintenance and Rs.25,000/- as litigation expenses. Even then, till date, the petitioner has not paid any amount to the respondent and her children. Hence, she seeks to dismiss this petition.

6.Heard the learned counsel appearing on either side and perused the materials placed on record.

7.The facts in the present case are not in dispute. It is also equally undisputed that the respondent/wife is living separately along with the child.



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The respondent is residing at Tirunelveli in a rental house. Without any maintenance amount, the respondent and the child are not able to survive. The trial Court taking into consideration all these aspects has awarded a sum of Rs.15,000/- as maintenance amount as well as R.25,000/- as litigation expenses and the same need not be interfered. Accordingly, these Civil Revision Petitions are **dismissed**. The petitioner is directed to pay the entire arrears of maintenance within a period of four weeks from the date of receipt of a copy of this order and continue to pay the monthly maintenance as awarded by the trial Court, failing which the respondent is at liberty to file an appropriate application before the trial Court to recover the amount from the petitioner in accordance with law. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

08.07.2025

Index : Yes/No
Internet : Yes / No
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To

- 1.The Principal Sub Court,
Trichy.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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