



C.R.P.(MD).No.2230 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2025

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P.(MD).No.2230 of 2023
and C.M.P.(MD).No.11424 of 2023

Raghupathi

... Petitioner/Petitioner/Petitioner

Vs

1.Palammal

2.Selvam @ Chellasamy

... Respondents/Respondents/Respondents

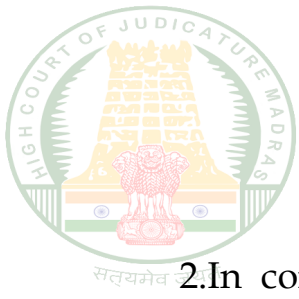
PRAYER: Civil Revision Petition is filed under Section 227 of the Constitution of India, to set aside the impugned Docket Order, dated 08.11.2022 in I.A.No.1 of 2020 in H.M.O.P.No.105 of 2011 on the file of the learned Sub Judge, Thoothukudi as illegal.

For Petitioner : Mr.S.Vanchinathan

For Respondent : Mr.R.L.Dilipan Pandian for R1

ORDER

This civil revision petition has been filed to set aside the impugned Docket Order, dated 08.11.2022 in I.A.No.1 of 2020 in H.M.O.P.No.105 of 2011 on the file of the learned Sub Judge, Thoothukudi as illegal.



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passed.

2. In continuation of the order passed on 16.04.2025, this detailed order is

3. The main petition before the Sub Court, Thoothukudi was filed by the revision petitioner herein seeking order of divorce. Pending the main petition, the first respondent filed interim alimony petition. It was allowed by the trial Court on 04.08.2016. Later the main petition was posted for appearance on 01.09.2016. On that date, the revision petitioner was unable to appear before the trial Court. So the trial Court dismissed the petition for default. Thereafter, the first respondent filed E.P.No.15 of 2018 for recovery of interim alimony. Later, this petition was filed by the petitioner namely the revision petitioner herein to restore the main petition. Along with that petition, he filed a petition to condone the delay of 658 days. At the time of allowing the petition, the trial Court directed the revision petitioner to pay Rs.1,00,000/- the arrears of interim maintenance to the first respondent. Challenging the above said order, this petition is filed.

4. Heard both sides.

5. At the time of hearing, the learned counsel for the respondent would submit



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that the order passed by the trial Court requires no interference, since the revision petitioner herein failed to pay the interim alimony. So the conditional order was passed.

6.Per contra, the learned counsel for the revision petitioner would submit that the main petition was filed by him on the ground of adultery, seeking divorce. He is also referring to the order passed in M.C.No.11 of 2021, regarding the alleged character of the respondent herein. So he would submit that when adultery ground is taken, he is not liable to pay any interim maintenance.

7.I am not expressing any opinion on the order passed by the learned Judicial Magistrate, Thoothukudi, in M.C.No.11 of 2021, touching the conduct of the respondent herein. It is purely a factual aspect, that has to be taken into account by the trial Court. Touching the character or conduct of the respondent, may cause unnecessary prejudice in the mind of not only the parties, but also the Court. So I am not taking that point into account. It is left open to be decided in the main petition.

8.But, however considering the factual circumstances of the case, I am of the considered view that the order passed by the trial Court may be modified to the



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effect that the revision petitioner must be pay Rs.10,000/- as cost to the respondent

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on or before 28.04.2025.

9.List the matter on 28.04.2025.

Sd/-

16.04.2025

// True Copy //

/2025

Sub Assistant Registrar
(CS - I/ II / III /IV)
Madurai Bench of Madras High Court,
Madurai.

TM

To

1.The Subordinate Judge, Thoothukudi.

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

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16.04.2025

AVK/04.06.2025 4P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023