



C.R.P.(MD)No. 2211 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2211 of 2023

and

C.M.P.(MD)No.11298 of 2023

M.Dinesh Gandhi

...Petitioner

Vs.

1.D.Sivaranjani

2.Minor Monica Sri

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to call for the records and set aside the Judgement and decree in I.A.No.83 of 2020 in H.M.O.P.No.126 of 2020 on the file of III Additional Subordinate Court, Madurai dated 12.04.2023 and allow this Civil Revision Petition.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.T.K.Gopalan



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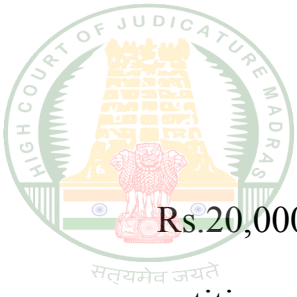
ORDER

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This petition has been filed seeking to set aside the Judgement and decree in I.A.No.83 of 2020 in H.M.O.P.No.126 of 2020, on the file of the III Additional Subordinate Court, Madurai dated 12.04.2023.

2.Learned Counsel for the petitioner would submit that the marriage between the petitioner / husband and the first respondent / wife was solemnized on 14.07.2013 and they were blessed with a female child. Subsequently, there was a matrimonial dispute between them and thereby, the first respondent filed H.M.O.P.No.126 of 2020, in which the first respondent filed I.A.No.83 of 2020, for interim maintenance. After adjudication, the trial Court awarded a sum of Rs.15,000/- to the first respondent as maintenance and Rs.5,000/- to the second respondent child as maintenance and a further sum of Rs.10,000/- towards litigation expenses. Challenging the same, the present Civil Revision Petition has been filed.

3.Learned Counsel for the petitioner would submit that the petitioner is in the care and custody of his father. Further, a fire accident took place in the shop of the petitioner's father and they sustained huge loss. Therefore, the petitioner is unable to maintain himself. However, directing the petitioner to pay a sum of



Rs.20,000/- as monthly maintenance is not sustainable. Learned Counsel for the petitioner would further submit that this Court while granting an interim order directed payment of Rs.12,000/- per month as maintenance to both the respondents. Even that order could not be complied and there is no instruction with regard to the compliance of the order passed by this Court.

4.Per contra, learned Counsel for the respondents would submit that till date, the petitioner has not complied with the order passed by this Court. Further, due to illegal relationship with a lady working in their shop, an FIR came to be registered against the petitioner in Cr.No.162 of 2025, for the offences under the SC/ST Act and the victim girl's brother itself made a complaint under the SC/ST Act.

5.Heard the learned Counsel on either side.

6.The facts in the present case are not in dispute and the relationship between the parties is also not in dispute. Admittedly, the respondent / wife filed a H.M.O.P.No.126 of 2020, on the file of the III Additional Subordinate Judge, Madurai for divorce, in which she also filed I.A.No.83 of 2020, claiming maintenance. The trial Court ordered a sum of Rs.20,000/- to the respondents. It is the duty of the husband to maintain his wife and children. However, the



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petitioner has not paid the maintenance amount till date. Further, this Court, while granting interim order has reduced the maintenance amount to Rs.12,000/- which has also been not paid by the petitioner. Hence, considering the facts and circumstances of the case and also considering the cost of the living in the present scenario, this Court finds that the amount of Rs.20,000/- ordered by the trial Court as maintenance to be reasonable and does not find any reasons to interfere with the same. Accordingly, the order passed by the trial Court is sustained. The petitioner is directed to pay the arrears of maintenance from the date of petition till date, within a period of six [6] weeks from the date of receipt of a copy of this order. However, on failure to deposit the arrears of maintenance amount, the respondent / wife is at liberty to proceed in accordance with law, for realization of the maintenance amount.

7. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

04.07.2025

Internet: Yes/No

Index: Yes/No

MR



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To

- 1.The III Additional Subordinate Court,
Madurai
- 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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