

C.R.P.(PD)(MD)No.2359 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2025

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CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P(PD)(MD)No.2359 of 2022

and

C.M.P(MD) No.11418 of 2022

V.Vijayagopal

... Petitioner/Respondent/
Defendant

Vs.

M.Jermeen

... Respondent/Petitioner/
Plaintiff

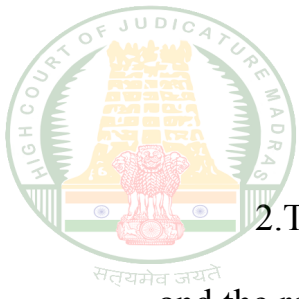
PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 07.09.2022 passed in I.A.No.1 of 2022 in H.M.O.P.No.25 of 2022 on the file of the Sub Court, Mudukulathur, Ramanathapuram District.

For Petitioner : Mr.T.Thirumurugan

For Respondent : Mr.P.Ganapathi Subramanian

ORDER

This Civil Revision Petition is filed challenging the order dated 07.09.2022 passed in I.A.No.1 of 2022 in H.M.O.P.No.25 of 2022 on the file of the Sub Court, Mudukulathur, Ramanathapuram District.



2.The petitioner is the husband of the respondent herein. The petitioner and the respondent were loved each other and their marriage was solemnized on 27.12.2009. They blessed with two children. Subsequently, there was a matrimonial dispute between the petitioner and the respondent. Thereby, the petitioner filed H.M.O.P.No.60 of 2021 for divorce and the respondent filed a petition for restitution of conjugal rights in H.M.O.P.No.25 of 2022. During the pendency of the above petitions, the respondent/wife filed I.A.No.1 of 2022 for interim maintenance. The trial Court has allowed the said application directing the petitioner to pay a sum of Rs.15,000/- to the respondent. Challenging the same, the petitioner has filed this Civil Revision Petition.

3.The learned counsel for the petitioner would submit that the respondent has already filed a maintenance case in M.C.No.5 of 2021 and the same is pending before the Judicial Magistrate Court, Kadaladi. The said petition was allowed on 09.01.2024 by directing the petitioner to pay a sum of Rs.10,000/- towards maintenance. The interim maintenance award passed by the Sub Court in H.M.O.P.No.25 of 2022 to the tune of Rs.15,000/- per month has not even been discussed in the order made in M.C.No.5 of 2021.

4.He further submits that the petitioner is working in Indian Army. He is earning a sum of Rs.66,025/- per month. He is paying a sum of Rs.15,500/-



towards monthly installment for the housing loan obtained by him. He is also taking care of the educational expenses of the children of the petitioner. Apart from that, the petitioner has to take care of his age old parents. Hence, the interim maintenance awarded by the trial Court is exorbitant and the same shall be modified.

5.The learned counsel for the petitioner further submits that during the pendency of the Civil Revision Petition, the divorce petition filed by the husband was dismissed and the application for restitution of conjugal rights was allowed.

6.The learned counsel for the respondent submits that the respondent is unemployed and she has to take care of herself and her children. Considering all these aspects, the Sub Court has rightly directed the petitioner to pay a sum of Rs.15,000/- to the respondent and the said order needs no interference.

7.Heard the learned counsel for the petitioner and the learned counsel for the respondent.

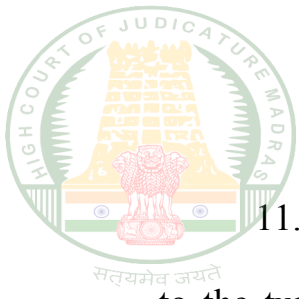
8.The facts in the present case are not in dispute. The relationship between the petitioner and the respondent is also not in dispute. The interim



maintenance awarded by the Sub Court in the petitioner filed by the respondent for restitution of conjugal rights is put to challenge in this Civil Revision Petition.

9. Admittedly, the petitioner is working in Indian Army. It is also equally undisputed that the petitioner is the only son to his parents and he is taking care of them. Further, the petitioner is also taking care of the educational expenses of his children apart from the interim maintenance awarded by the Sub Court and he is also paying the monthly installment for the loan availed by him with such meagre income.

10. It is also brought to the notice of this Court that during the pendency of the present Civil Revision Petition, the maintenance application in M.C.No.5 of 2021 filed by the respondent was also allowed by directing the petitioner to pay a sum of Rs.10,000/- per month towards maintenance in the year 2024. However, the fact remains that the present impugned maintenance awarded by the Sub Court in H.M.O.P.No.25 of 2022 to the tune of Rs.15,000/- was not even discussed in the said maintenance case. Thereby, it is clear that the respondent has obtained the order of maintenance by suppressing the interim maintenance awarded by the Sub Court.



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11. In view of the above, the interim maintenance fixed by the Sub Court to the tune of Rs.15,000/- in I.A.No.1 of 2022 in H.M.O.P.No.25 of 2022 is hereby modified as Rs.10,000/- (Rupees Ten Thousand only). The petitioner is directed to pay the entire arrears of interim maintenance, if any, from the date of petition in I.A.No.1 of 2022 to till date to the respondent within a period of two weeks from the date of receipt of a copy of this order and continue to pay a sum of Rs.10,000/- towards maintenance on or before 7th day of every succeeding English calendar month commencing from 07.09.2025 apart from the amount fixed in the maintenance case.

12. Accordingly, this Civil Revision Petition stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

07.07.2025

Index : Yes/No
Internet : Yes / No
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To

- 1.The Sub Court,
Mudukulathur,
Ramanathapuram District.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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