



C.R.P.(MD)No.3722 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2025

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)No.3722 of 2025

and

C.M.P.(MD)No.19630 of 2025

Anbumeena

... Petitioner

-VS.-

V.Selvam

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the fair and decretal order in I.A.No.12 of 2025 in I.A.No.1 of 2023 in H.M.O.P.No.128 of 2022 on the file of the learned Subordinate Judge, Sattur, Virudhunagar District, dated 17.11.2025 and allow this Civil Revision Petition.

For Petitioner :Mr.D.Srinivasa Raghavan
for Mr.S.Balaji

For Respondent :Mr.G.Aravindhhan
for M/s.Arun Legal Consultancy



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ORDER

The present Civil Revision Petition has been filed challenging the order passed by the learned Subordinate Judge, Sattur, Virudhunagar District, in I.A.No.12 of 2025 in I.A.No.1 of 2023 in H.M.O.P.No.128 of 2022, dated 17.11.2025.

2.Heard Mr.D.Srinivasa Raghavan, learned Counsel representing Mr.S.Balaji, learned Counsel for the petitioner and Mr.G.Aravindhan, learned Counsel for the respondent.

3.The petitioner is the wife and the respondent is the husband. Their marriage was solemnized on 12.09.2021 as per the Hindu religious and customary rites. Due to the difference of opinion, both of them are living separately. The respondent/husband filed a petition in H.M.O.P.No.57 of 2023 for dissolving the marriage and the petitioner/wife has filed a petition in H.M.O.P.No.128 of 2022 for restitution of conjugal rights before the Subordinate Court, Sattur, Virudhunagar District.



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4.In the meanwhile, the petitioner/wife has filed an application in I.A.No.1 of 2023 in H.M.O.P.No.128 of 2022 seeking interim maintenance. The learned Subordinate Judge, Sattur, Virudhunagar District vide order, dated 30.09.2024, had ordered Rs.20,000/- as maintenance per month. Challenging the said order, the respondent/husband has filed a revision petition before this Court in C.R.P(MD)No.2600 of 2024 and the petitioner/wife has also filed a revision petition in C.R.P(MD)No.739 of 2025 before this Court seeking enhancement of the maintenance amount. This Court, vide order, dated 08.07.2025, had disposed of the petition filed by the respondent/husband by reducing the maintenance amount from Rs.20,000/- to Rs.15,000/- per month and had dismissed the petition filed by the petitioner/wife seeking enhancement of maintenance amount. Thereafter, the respondent/husband has filed an application in I.A.No.12 of 2025 in I.A.No.1 of 2023 in H.M.O.P.No. 128 of 2022 to set aside the order passed in I.A.No.1 of 2023, dated 30.09.2024. The learned Subordinate Judge, Sattur, Virudhunagar District, vide impugned order, dated 17.11.2025, had allowed the said application and set aside the order passed in I.A.No.1 of 2023 in H.M.O.P.No.128 of 2022,



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dated 03.09.2024. Challenging the same, the present Civil Revision Petition has been filed.

5.The learned Counsel appearing for the petitioner submitted that in I.A.No.1 of 2023 in H.M.O.P.No.128 of 2022, the trial Court has fixed the interim maintenance as Rs.20,000/-. Challenging the same, the petitioner/wife and the respondent/husband has filed revision petitions and this Court, vide order, dated 08.07.2025, has passed the following order:

9.The petitioner / husband claims that the respondent / wife is employed as Assistant Professor and the same was suppressed before the trial Court. However, even assuming that she is employed in a private management, salary was not established before the trial Court. In view of the above, it appears that as on date, the petitioner is irregularly paying the interim maintenance. However, considering the facts and circumstances of the case, this Court reduces the maintenance amount to Rs. 15,000/-. The petitioner is directed to pay Rs.15,000/- as monthly maintenance from 07.07.2025 onwards and the trial Court is directed to dispose of both H.M.O.P.Nos.57 of 2023 and 128 of 2022, within a period of six [6] weeks from the date of receipt of a copy of this order."

6.The learned Counsel for the petitioner also submitted that learned trial Judge has no power or jurisdiction to recall or set side his own judicial order,



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especially, when the said order has already been subjected to revisional scrutiny by this Court and that the principle of *functus officio* will squarely apply to this case. He further submitted that the trial Court has become absolutely barred from re-opening or modifying the same issue, when the appellate Court has decided the issue of interim maintenance. Further, the learned trial Judge has illegally issued summons to the Principal of Sethu Institute of Technology as witness for the husband without any petition under Order 16 Rule 1 and 2 CPC and without furnishing copy to the petitioner/wife and without granting an opportunity of objection. Hence, he prays interference of this Court.

7.The learned Counsel for the respondent/husband submitted that the respondent is employed in EMU Exports Limited and drawing a sum of Rs.1,49,000/-, in which, Rs.1,800/- was deducted for Provident Fund, Rs.61,500/- was deducted towards TDS and for loan amount, he is paying Rs.62,500/- and he is receiving only a sum of Rs.23,200/ per month. Hence, he submitted that it is not possible for the respondent/husband to pay the maintenance amount, which has been rightly considered by the Court below.



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He also submitted that the Court below after considering the entire arguments as advanced by the parties concerned has passed the impugned order, which needs no interference of this Court and the petitioner has not made out a case warranting interference of this Court and hence, he seeks dismissal of this petition.

8.This Court considered the submissions made on either side and perused the materials available on record.

9.It is not in dispute that the petitioner and the respondent are husband and wife and due to the difference of opinion, they are living separately. In the petition filed by the petitioner in H.M.O.P.No.128 of 2022 for restitution of conjugal rights, the petitioner has filed an application seeking interim maintenance and the Court below has ordered a sum of Rs.20,000/- per month, which was modified by this Court in a revision petition filed by the respondent in C.R.P(MD)No.2600 of 2024 vide order, dated 08.07.2025. Hence, the order passed by the Court below granting interim maintenance of Rs.20,000/- got merged with the order passed by this Court.



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10.It is the case of the respondent that the petitioner is working as an Assistant Professor in Sethu Institute of Technology and the respondent claims that the petitioner is drawing a sum of Rs.30,000/- per month. The Principal of the Sethu Institute of Technology was examined, where, there is no reference with regard to the salary of the petitioner. Hence, this Court cannot infer the exact salary drawn by the petitioner and even when the Principal of the College was examined, nothing was elucidated by the respondent with regard to his claim.

11.In the meanwhile, the respondent/husband has filed an application in I.A.No.12 of 2025 in I.A.No.1 of 2023 in H.M.O.P.No.128 of 2022 to recall the order passed in I.A.No.1 of 2023. The Court below without even ascertaining the fact the order passed by the Court below has been modified by this Court in a revision petition filed by the respondent/husband and has reached finality, has allowed the said application and recalled the order passed in I.A.No.1 of 2023, which is *per se* illegal, as the Court below has no jurisdiction to recall its own order. Further, when this Court has modified the order passed by the Court below, the Court below has no authority or jurisdiction to recall the earlier



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order, which was modified by the revisional Court. Hence, this Court is of the view that the impugned order has been passed without any authority or jurisdiction, which needs interference of this Court.

12.In the result, the Civil Revision Petition is allowed and the order passed by the learned Subordinate Judge, Sattur, Virudhunagar District, in I.A.No.12 of 2025 in I.A.No.1 of 2023 in H.M.O.P.No.128 of 2022, dated 17.11.2025, is set aside. No costs. Consequently, connected miscellaneous petition is closed.

17.12.2025

Internet :Yes/No
NCC :Yes/No
Index :Yes/No

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To

The Subordinate Judge, Sattur, Virudhunagar District.



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N.SENTHILKUMAR, J.

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