



C.R.P.(MD).No.2534 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2026

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

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Krishnasamy

... Petitioner

Vs.

Rani

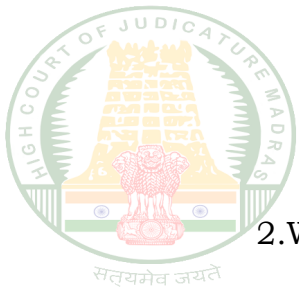
... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Subordinate Judge, Virudhunagar, to expeditiously dispose H.M.O.P.No.26 of 2022 within a time frame fixed by this Court and allow this civil revision petition.

For Petitioner : Ms.R.Jenifar Bibin

ORDER

The husband is the revision petitioner. He initiated H.M.O.P.No.26 of 2022 on the file of the Subordinate Court at Virudhunagar, seeking divorce on the grounds of Section 13(1)(i-a) of the Hindu Marriage Act. As the proceedings were pending, he has moved this revision seeking expeditious disposal of the said HMOP.



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2. When the matter came up on 28.04.2026, I called for a report from the learned Subordinate Judge at Virudhunagar, as to how long he requires to dispose of the said proceedings. The learned Subordinate Judge has sent a report dated 03.06.2026. From the report, it is seen that the wife had taken out an application for interim maintenance in I.A.No.1 of 2022. The said application was allowed by the Court calling upon the husband to pay a sum of Rs.20,000/- as interim maintenance. The revision petitioner/ husband defaulted in payment of maintenance amount. Consequently, the wife had taken out an application to strike off the petition in I.A.No.2 of 2025. As the said application was pending, the learned Judge did not take up HMOP for disposal. The husband is said to have paid the amount only in January-2026. However, Ms.Jenifar Bibin reports that the husband has been paying the maintenance amount regularly, without any default, month to month.

3. When the husband, who has been called upon to pay maintenance, defaults in payment of the said amount, I do not find any error on part of the learned Subordinate Judge in refusing to take up the matter for trial. After having suffered an order, the husband is duty-bound to discharge his duty to maintain his wife. In case, he does not do so, the Court need not wait for an application from the wife to strike off HMOP. The Court can *suo Motu* call upon the husband to make good the default and in case, he does not do so, the Court can exercise the inherent power under Section 151 and



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strike off the divorce petition. A defaulter in payment of maintenance is not entitled to any sympathy from Court.

4.As Ms.Jenifar Bibin reports that the amount has been paid and the husband is continuing to pay the maintenance amount, this Civil Revision Petition is disposed on the following direction:

The learned Subordinate Judge, Virudhunagar, is requested to dispose of H.M.O.P.No.26 of 2022 within a period of six (6) months from the date of receipt of a copy of this order. If, during the said period of six months, the husband defaults in payment of the amount of maintenance, the Court need not come to the rescue of the husband and dispose of the HMOP within the time stipulated.

No costs.

04.06.2026

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

To

1.The Subordinate Judge, Virudhunagar.

2.The Section Officer,

VR Section, Madurai Bench of Madras High Court,
Madurai.

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V.LAKSHMINARAYANAN,J.

Rmk

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