

C.R.P.(MD)No.2987 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2026

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)No.3757 of 2025

and

C.M.P.(MD)No.19763 of 2025

V.Thiruneelakandan

... Petitioner

-VS.-

M.Thenmozhi

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the order passed in I.A.No.1 of 2025 in H.M.O.P.No.157 of 2023 on the file of the III Additional Subordinate Court at Madurai, dated 22.08.2025.

For Petitioner :Ms.S.Epsiba
for Mr.D.Ramesh
For Respondent :Mr.S.Jothimani



C.R.P.(MD)No.2987 of 2025

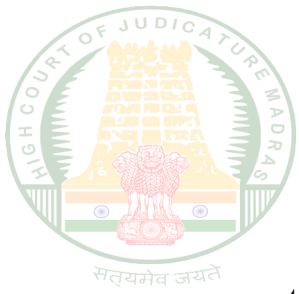
WEB COPY

ORDER

The present Civil Revision Petition has been filed challenging the order passed by the learned III Additional Subordinate Judge, Madurai in I.A.No.1 of 2025 in H.M.O.P.No.157 of 2023, dated 22.08.2025.

2.Heard Ms.S.Epsiba, learned Counsel representing Mr.D.Ramesh, learned Counsel for the Revision Petitioner and Mr.S.Jothimani, learned Counsel for the respondent.

3.The petitioner is the husband and the respondent is the wife. Their marriage was solemnized on 08.09.2022. Since there was a misunderstanding between them, the petitioner herein has filed a petition in H.M.O.P.No.157 of 2023, seeking divorce before the III Additional Subordinate Court, Madurai. During the pendency of the case, the respondent herein has filed an application in I.A.No.1 of 2025, seeking litigation expenses of Rs.1,00,000/-. The trial Court, vide impugned order, dated 22.08.2025, had awarded a sum of Rs.6,000/- per month as interim maintenance. Challenging the same, the



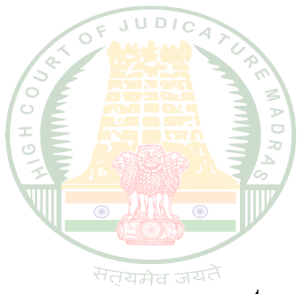
C.R.P.(MD)No.2987 of 2025

present Civil Revision Petition has been filed.

WEB COPY

4.The learned Counsel for the petitioner submitted that the trial Court without even considering the prayer in I.A.No.1 of 2025, seeking litigation expenses of Rs.1,00,000/-, has awarded a sum of Rs.6,000/- per month as interim maintenance, which is totally invalid and liable to be set aside by this Court. The learned Counsel further submitted that earlier, the respondent herein has filed a maintenance case in M.C.No.58 of 2022 before the Family Court, Sivagangai and the Family Court, Sivagangai, by order, dated 20.06.2023, had directed the petitioner to pay a sum of Rs.5,100/- per month to the respondent as interim maintenance. However, by suppressing the same, the petitioner has filed the present application and the trial Court has passed the impugned order, which is *per se* illegal.

5.It is her further contention that both the petitioner and the respondent were lived shortly for 16 days and got parted and for having been lived as a husband and wife for 16 days, the revision petitioner facing so many proceedings at different forums. The learned Counsel further submitted that the trial Court erred in deciding the interim application without the affidavit of



C.R.P.(MD)No.2987 of 2025

assets and liabilities from both parties and has exercised its discretion perversely upon wrong principles, which has caused serious prejudice to the revision petitioner. Hence, she seeks interference of this Court.

6.*Per contra*, the learned Counsel for the respondent submitted that the petitioner is working as a Police Constable and has drawing a sum of Rs.90,000/- per month. However, the respondent was deserted by the petitioner and she is struggling to run her day-to-day life, as the respondent has not received any permanent income and that the trial Court has rightly passed the impugned order, which needs no interference of this Court. He further submitted that the contention of the petitioner that already in the maintenance case, the petitioner was directed to pay a sum of Rs.5,100/- as interim maintenance and that the present order of interim maintenance is not maintainable, cannot be accepted, as the petitioner has not complied with the order passed in the maintenance case and that relying on the said order cannot be a ground for assailing the impugned order. He also submitted that the trial Court after perusing the arguments as advanced by the parties concerned, has passed the impugned order, which does not warrant any interference of this



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

8.From the perusal of the records, it is not in dispute that the petitioner is the husband and the respondent is the wife and due to misunderstanding, both the petitioner and the respondent are living separately and in the petition filed by the petitioner seeking divorce, the respondent has filed an application seeking litigation expenses. The Court below vide impugned order, dated 22.08.2025, directed the petitioner to pay a sum of Rs.6,000/- per month to the respondent. Further, it is not in dispute that the petitioner is a Government servant working as Police Constable. It is the primary contention of the petitioner that suppressing the earlier order passed in the maintenance case, in which, the petitioner was directed to a sum of Rs.5,100/- per month, the respondent has filed the present application and obtained an order of interim maintenance, cannot be accepted, as the petitioner himself has not complied with the earlier order passed in the maintenance case and without complying



C.R.P.(MD)No.2987 of 2025

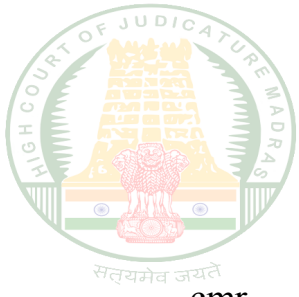
WEB COPY

the same, the petitioner cannot be allowed to raise such ground. Further, it is the contention of the petitioner that the respondent is working in a private company and earned a sum of Rs.20,000/- per month. However, to substantiate the same, the petitioner has not produced any valid document. Hence, the said contention is also rejected. In view of the same, the trial Court has rightly passed the impugned order, which does not warrant interference of this Court.

9.In result, the Civil Revision Petition is dismissed. No costs. Since it is prayed before this Court by the learned Counsel for the respondent that the petitioner has not paid any amount, as directed in the maintenance case, and he may be directed to pay the arrears amount, the petitioner is directed to pay the entire arrear amount within a period of four weeks from the date of receipt of a copy of this order, failing which, garnishee order be passed, if any application is filed. Consequently, connected miscellaneous petition is closed.

10.02.2026

NCC	:Yes/No
Index	:Yes/No



cmr
WEB COPY



C.R.P.(MD)No.2987 of 2025

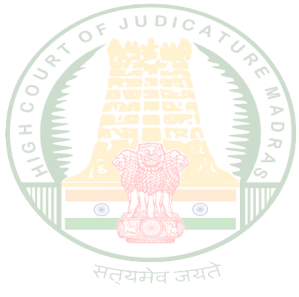


C.R.P.(MD)No.2987 of 2025

WEB COPY

To

The III Additional Subordinate Judge at Madurai.



WEB COPY



C.R.P.(MD)No.2987 of 2025

N.SENTHILKUMAR, J.

cmr

C.R.P.(MD)No.2987 of 2025

10.02.2026