

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 28.01.2015

CORAM

The Hon'ble Mr.Justice **K.KALYANASUNDARAM**

CRP NPD No.238 of 2015
and MP No.1 of 2015

V.Gopinathan

.. Petitioner

Vs

Suriya

.. Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India against the petition and order of the Subordinate Judge's Court at Vellore dated 14.07.2014 in I.A.No.158 of 2012 in HMOP No.214 of 2012.

For Petitioner : Mr.P.Valliappan

ORDER

This revision arises against the order dated 14.07.2014 passed by the Sub Court, Vellore in I.A.No.158 of 2012 in HMOP No.214 of 2012.

2. The petitioner filed HMOP No.214 of 2012 against the respondent before Sub Court, Dharmapuri for dissolution of the marriage held on 07.11.2011. In the original petition, the respondent filed I.A.No.158 of 2012 under Section 24 of Hindu Marriage Act seeking maintenance for herself and for her child @ Rs.25,000/- per month and Rs.25,000/- towards litigation expenses.

3. The application was resisted by the petitioner stating that the respondent is having sufficient funds and also having capacity to earn sufficient amount for her maintenance; that she has been drawing salary from her job and hence she is not entitled to seek interim maintenance.

4. The Sub Court, Vellore allowed the application directing the petitioner to pay a sum of Rs.10,000/- as interim maintenance to the respondent. Aggrieved by the order, the petitioner has preferred the present revision.

5. Mr.P.Valliappan, learned counsel for the petitioner submitted that the petitioner has contended in the original petition that the marriage with the respondent was not consummated; that the respondent is employed and hence she is not entitled for interim maintenance.

6. Though the petitioner contended that the respondent was working but he has not produced any material evidence to substantiate the allegation. In the original petition, the petitioner has admitted the relationship of the parties. The respondent has categorically stated in her counter that the marriage was consummated. Considering the above fact, I do not find any illegality or irregularity in the order dated 14.07.2014 passed by Sub Court, Vellore.

7. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed. The learned Sub Judge, Vellore shall dispose of the original petition on merits without being influenced by any of the observations made in this order, within six months from the date of receipt of copy of this order.

28.01.2015

Index : Yes/No
rgr

To

The Subordinate Judge,
Vellore.

K.KALYANASUNDARAM, J.

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