

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.2607 of 2015 &

M.P. No.1 of 2015

Dr.Saravanakumar

... Petitioner

v.

Saranya

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair order and decreetal order passed by the learned Subordinate Judge, Thiruvavur in I.A.No.14 of 2014 in H.M.O.P.No.5 of 2014, dated 23.04.2015.

For Petitioner : Ms.M.Meenakshi
for M/s.BRP Asso.

O R D E R

Challenging the fair and final order passed in I.A.No.14 of 2014 in H.M.O.P.No.5 of 2014 on the file of Subordinate Court, Thiruvarur, the petitioner, who is the husband of the respondent, has filed the above Civil Revision Petition.

2. The petitioner filed the Original Petition in H.M.O.P.No.5 of 2014 for divorce on the ground of cruelty.

3. The petitioner is well educated and a P.Hd., holder. He got married with one Priya in the year 2003 and divorced her in the year 2008. Thereafter, in the year 2011, he married the respondent. On 27.09.2012, the respondent delivered a male child. The respondent filed her counter and is contesting the Original Petition.

4. In the said Original Petition, the respondent-wife filed an application in I.A.No.14 of 2014 under section 24 of the Hindu Marriage Act claiming a sum of Rs.50,000/- as interim maintenance and a sum of Rs.10,000/- towards litigation expenses.

5. The petitioner filed his counter in the said application stating that he is jobless and therefore, he is not in a position to pay the maintenance amount to the respondent. In the affidavit filed in support of the application, the respondent has stated that the petitioner was earning a sum of Rs.2,00,000/- from a company in German and while working as Assistant Professor, Department of Chemistry in Central University of Tamil Nadu, Thiruvavur, he is earning Rs.80,000/- per month. That apart, the respondent also stated that the petitioner is earning sufficient income to pay the maintenance amount of Rs.50,000/- to her.

6. Admittedly, the child is with the respondent. As per Ex.P1, salary certificate, the petitioner was earning a sum of Rs.45,000/- per month. Taking into consideration, the quantum of salary earned by the petitioner, the Trial Court fixed a reasonable sum of Rs.14,000/- as monthly maintenance to the respondent from the date of the petition to the respondent-wife. From this amount, the respondent has to maintain herself and her child. Therefore, the order of the Trial Court fixing the monthly maintenance of Rs.14,000/- and a sum of Rs.5,000/- as litigation expenses, are just and proper.

7. Taking into consideration the present days cost of living, I am of the view that the monthly maintenance of Rs.14,000/- fixed by the Trial

Court is just and Proper. In these circumstances, I do not find any reason to interfere with the order passed by the trial court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

03.07.2015

Index : No
Internet : Yes

Rj

To

The Subordinate Court,
Thiruvarur,

M. DURAISWAMY,J.,

Rj

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