

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(PD) NO.345 OF 2015

Sampath ... Petitioner

Vs.

Sigamani ... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 05.09.2014 passed in I.A.No.25 of 2014 in HMOP No.24 of 2012 by the Sub - Judge, Mannargudi.

For Petitioner : Mr.R.Devadoss

ORDER

This Civil Revision Petition is filed against the order dated 05.09.2014 passed in I.A.No.25 of 2014 in H.M.O.P.No.24 of 2012 by the learned Sub - Judge, Mannargudi.

2.The petitioner has filed H.M.O.P.No.24 of 2012 before the Sub Court, Mannargudi, against the respondent for dissolution of the marriage held between them. In the original petition, the respondent filed an application in I.A.No.25 of 2014 seeking interim maintenance under Section 24 of the Hindu Marriage Act. The respondent has specifically averred in the interim application that she is unemployed and the petitioner is earning Rs.50,000/- per month as salary. The petitioner resisted the application. The learned Sub Judge, Mannargudi, has allowed the application on 05.09.2014. Aggrieved by the order, the present Civil Revision Petition is filed.

3.Mr.R.Devadoss, learned counsel for the petitioner has submitted that the respondent has not produced any material to show that the petitioner was working as a Teacher and earning Rs.50,000/- per month as salary. It is further submitted that the Trial Court on presumption and assumption has passed order, which cannot be sustained in law.

4.It is not in dispute that the respondent is the wife of the petitioner. The respondent has specifically stated that the petitioner is earning Rs.50,000/- per month as salary. Admittedly, the petitioner has not produced any evidence to prove his income. The learned Sub Judge, after considering the case of the parties, has allowed the application directing the petitioner to pay a

sum of Rs.10,000/- per month to the respondent towards interim maintenance. Hence, I do not find any irregularity or perversity in the order impugned in this Civil Revision Petition.

5.In the result, this Civil Revision Petition is dismissed. The learned Sub Judge, Mannargudi is directed to dispose of the Original Petition, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. No costs.

09.02.2015

Index : Yes/No
Internet : Yes/No
TK

To

The Sub Judge
Mannargudi.

K.KALYANASUNDARAM, J.

TK

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