

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.11.2015

CORAM

THE HONOURABLE Ms. JUSTICE R.MALA

**C.R.P.(PD).No.4204 of 2015
and M.P.No.1 of 2015**

P.Sivakannan

..Petitioner

/vs/

Kanchana Devi @ Vadivu

..Respondent

PRAYER :Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and final orders dated 28.04.2015 passed in I.A.No.143 of 2013 in H.M.O.P.No.17 of 2013 on the file of the Sub Court, Pollachi.

For Petitioner : Mr.J.Pothiraj
For Respondent : Mr.V.Anandha Moorthy

ORDER

This Civil Revision Petition has been filed against the order dated 28.04.2015 passed in I.A.No.143 of 2013 in H.M.O.P.No.17 of 2013 on the file of the Sub Court, Pollachi.

2.Learned counsel for the petitioner/husband submitted that in D.V.A.No.9/2013, the Trial Court has awarded Rs.5,000/- per month towards

rental expenditure and arrears amount of Rs.45,000/- towards rent which was confirmed by the District and Sessions Court, Coimbatore by order dated 12.08.2015. So, it is difficult to pay maintenance of Rs.9,000/- per month along with Rs.5,000/- as awarded by the District and Sessions Court, Coimbatore in C.A.No.121 of 2014. Hence, he pray for reducing the quantum of amount of monthly maintenance awarded by the Trial Court.

3.Resisting the same, the learned counsel for the respondent/wife submitted that the petitioner is running a medical shop where nine members are working and besides that he is owning a Mobile shop and Gift shop. He further submitted that the petitioner is also deriving rent from the Complex. He would also submitted that the Trial Court after considering all the documents has awarded maintenance of Rs.9,000/- per month and Rs.5,000/- towards rental expenditure. Hence, he prayed for dismissal of the revision petition.

4.Considered the rival submissions made by both sides and perused the typed set of papers.

5.The order passed in C.M.P.No.4813/2014 in DVA.No.9/2013 dated 02.07.2014 has been confirmed by the III Additional District and Sessions Court,

Coimbatore in C.A.No.121/2014 that the payment of arrears of rent of Rs.45,000/- and Rs.5,000/- towards rent is entirely different from the maintenance awarded by the Family Court under Section 24 of Hindu Marriage Act. The learned counsel for the petitioner also fairly conceded that he is not challenging the quantum of amount awarded towards litigation expenses of Rs.10,000/- and his main argument is focusing on the reduction in quantum of monthly maintenance awarded by the Trial Court. But admittedly the petitioner is a businessman. It is well settled dictum of the Hon'ble Apex Court that the husband has to pay maintenance to the wife on par with his status. Even though the respondent/wife sought for Rs.50,000/- per month towards maintenance, the Trial Court after considering all the documents came to the correct conclusion that she is entitled to Rs.9,000/- per months. Hence, I do not find any reason to interfere with the finding of the Trial Court. Accordingly, the Civil Revision Petition deserves to be dismissed.

6.In the result, this Civil Revision Petition is dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

27.11.2015

Index: Yes/No
Internet:Yes/No
cse

R.MALA, J.

cse

To
The Sub Court, Pollachi.

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