

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2015

CORAM

THE HONOURABLE MS.JUSTICE R.MALA

CRP (PD).No.4512 of 2015
and M.P.No.1 of 2015

Velmurugan

.. Petitioner

Vs

Nirmala

.. Respondent

Prayer:Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 10.09.2015 made in I.A.No.30 of 2012 in H.M.O.P.No.1 of 2012 on the file of the Sub Court, Ranipet.

For Petitioner : Mr.P.Mani

ORDER

The Civil Revision Petition is filed against the order dated 10.09.2015 made in I.A.No.30 of 2012 in H.M.O.P.No.1 of 2012 on the file of the Sub Court, Ranipet.

2.Learned counsel appearing for the petitioner submitted that the petitioner filed a petition in H.M.O.P.No.1 of 2012 for divorce on the ground of cruelty, adultery and desertion. During the pendency of the petition,

I.A.No.30 of 2012 under Section 24 of the Hindu Marriage Act has been filed by the respondent claiming interim maintenance for herself, the minor daughter and also towards the litigation expenses. The Trial Court after considering the counter filed by the petitioner herein has awarded Rs.2,000/- for the respondent/wife instead of Rs.3,000/-, Rs.1,000/- for the minor daughter instead of Rs.2,000/- and Rs.5,000/- towards litigation expenses instead of Rs.10,000/- as claimed by the respondent. The learned counsel for the petitioner submitted that the petitioner is only a daily wage coolie and so, he has no sufficient means to pay the amount awarded by the Trial Court. Hence, he prayed for setting aside the order passed by the Trial Court.

3.At the time of admission, argument of the learned counsel for the revision petitioner heard in length.

4.The petitioner herein has filed a petition in H.M.O.P.No.1 of 2012 for divorce. During the pendency of the petition, the respondent/wife filed an application in I.A.No.30 of 2012 under Section 24 of the Hindu Marriage Act for interim maintenance and also for litigation expenses till the disposal of the petition. The Trial Court awarded Rs.2,000/- for the respondent/wife, Rs.1,00/- for the minor daughter and Rs.5,000/- towards litigation expenses. It is the bounden duty of the husband to maintain his wife and the child.

Further, since he himself filed a petition for divorce, he has forced his wife to face the litigation and so, he ought to have pay Rs.5,000/- towards litigation expenses as awarded by the Trial Court which is minimal. Even though it is not a nominal amount, the respondent/wife has not filed any revision. In such circumstances, Rs.5,000/- towards litigation expenses awarded by the Trial Court is fair and proper and it does not warrant any interference. Further, in respect of maintenance for the wife and the child is concerned, considering the cost of living and inflation, Rs.2,000/- for the wife and Rs.1,000/- for the child is below minimum. However, the respondent/wife has not filed any application for enhancement of the same. Therefore, I do not find any reason to interfere with the findings of the Trial Court. Hence, the Civil Revision Petition is hereby dismissed and the petitioner/husband is directed to pay the arrears of maintenance awarded by the Trial Court within a period of two months from the date of receipt of a copy of this order.

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

09.12.2015

Index: Yes/No
Internet: Yes/No
cse

R.MALA. J.,

cse

To

The Sub Court, Ranipet.

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