

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2015

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

C.R.P(PD).No.4592 of 2015
and M.P.No.1 of 2015

V.Sankar

.. Petitioner

Vs.

Dhanalakshmi

.. Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and decreetal order dated 24.08.2015 in I.A.No.49 of 2013 in H.M.O.P.No.25 of 2013 on the file of the Sub-Court, Hosur, Krishnagiri District.

For Petitioner : Mr.V.Nicholas

ORDER

The Civil Revision Petition is filed against the fair and decreetal order dated 24.08.2015 in I.A.No.49 of 2013 in H.M.O.P.No.25 of 2013 on the file of the Sub-Court, Hosur, Krishnagiri District.

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

3.The wife/respondent herein has filed a petition in H.M.O.P.No.25 of 2013 for restitution of conjugal rights on the file of the Sub-Court, Hosur. The husband/revision petitioner herein has filed a counter and contesting the same. During pendency of that petition, the respondent/wife filed an application in I.A.No.49 of 2013 for claiming interim maintenance of Rs.20,000/- per month and litigation expenses of Rs.20,000/- stating that her husband is running automobile shop and thereby earning an income of Rs.50,000/- per month. Hence, she sought for the aforesaid interim maintenance for maintaining herself and a female child and also litigation expenses. The petitioner/husband has filed a detailed counter stating that he is running automobile shop and his income is only Rs.15,000/-. From that meagre income, he has to maintain her aged mother, who is a chronic diabetic patient, father, who was retired as school teacher, unmarried brother and widow sister. The trial Court, after considering the evidence of P.W.1 and R.W.1 and Exs.P1 to P11, awarded Rs.10,000/- per month as interim maintenance and Rs.10,000/- as litigation expenses.

4.Challenging the same, learned counsel for the revision petitioner/husband submits that the interim maintenance awarded by the trial Court is on higher side. The monthly income of the revision petitioner/husband is only Rs.15,000/-, from which, he has to maintain his aged mother, who is a diabetic patient, father, who is a retired school teacher, unmarried brother and widow sister. Therefore, he prayed for reduce the quantum of interim maintenance awarded by the trial Court.

5.It is not disputed that the revision petitioner/husband is running automobile shop. Even though the respondent/wife has stated that the monthly income of her husband is Rs.50,000/-, she has not produced any scrap of paper to show that what is his income. The revision petitioner/husband has also not filed any document to show that what is his income. But the respondent/wife has filed medical bills under Exs.P6 to P10 to show that she has to maintain her mentally retarded female child, who is 10 years old. In such circumstances, the trial Court in para-12 of its order after considering the aforesaid aspect, awarded interim maintenance of Rs.10,000/- per month to the wife as well as her child.

6.Considering the aforestated circumstances of the case, I am of the view, Rs.10,000/- per month towards interim maintenance and Rs.10,000/- towards litigation expenses awarded by the trial Court are fair and proper and it does not warrant any interference. The revision petitioner/husband is directed to pay the award amount to the respondent/wife within two months from the date of receipt of a copy of this order.

7.In fine, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

18.12.2015

Index:Yes/No
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To

The Sub-Court, Hosur, Krishnagiri District.

R.MALA,J.

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