

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P. (PD) No.489 of 2015 &
M.P.No.1 of 2015

T.R.Manickam

.. Petitioner

Vs.

M.Bhuvaneswari

... Respondent

Prayer: Petition filed under Article 227 of the Constitution of India against the order and decretal order dated 08.07.2014 made in I.A.No.215 of 2013 in HMOP No.89 of 2009 on the file of the Sub Judge, Poonamallee.

For Petitioner : Mr.J.Nandagopal

O R D E R

The respondent herein has filed the Original Petition against the petitioner for dissolution of marriage solemnized on 26.08.1998. In the original petition, the respondent has filed an application in I.A.No.215 of 2013 under Section 24 of the Hindu Marriage Act claiming maintenance for a sum of Rs.10,000/- per month for her daughter B.Alamelu.

2. In the affidavit filed in support of the petition, the respondent has averred that the marriage between the petitioner and the respondent was solemnized on 26.08.1998 and out of marriage, a female child was born on 12.07.1999. The petitioner having accepted to pay a sum of Rs.2,00,000/- in the mediation, but failed to keep up his words. The petitioner is working as Appraiser in Indian Bank, Pudukkottai Branch and earning Rs.40,000/- per month. Hence, the petition.

3. The application was resisted by the petitioner stating that the respondent is working in I.T. Company and she is earning more than Rs.60,000/- per month. It is further alleged that he was not a permanent employee in the said Bank and he is also taking care of his aged mother. The Sub Court, Poonamallee, directed the petitioner to pay a sum of Rs.3000/- to the child towards educational expenses. Challenging the said order, the present revision is filed.

4. Heard the learned counsel for the petitioner and perused the records placed before this Court.

5. The petitioner is not disputing the status of the respondent and the child born to them on 12.07.1999. The only contention of the learned counsel for the petitioner is that the petitioner is not a permanent employee and his wife is earning huge amount in working IT Company. The respondent has filed the application seeking maintenance for the child and not for the respondent. The petitioner has a moral and legal obligation to maintain his daughter. The trial Court after considering the case of the petitioner and the respondent, has fixed a sum of Rs.3,000/- as maintenance payable by the petitioner.

6. In view of the above facts, I do not find any merit in this revision. In fine, the Civil Revisions Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed. However, the trial Court shall dispose of HMOP No.89 of 2009 on merits within a period of six months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To
The Sub Judge,
Poonamallee.

1 cc to Mr.J.Nandagopal ,Advocate, SR.No.920

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