

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.No.822 of 2015

Murugan

...Petitioner

Vs

1.Varalakshmi
2.Minor.Meera
(Rep.by natural guardian and
mother Varalakshmi)

...Respondents

Prayer:- The Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 30.10.2014 passed in I.A.No.58 of 2012 in H.M.O.P.No.60 of 2003 on the file of the Principal Subordinate Court, Tindivanam, Villupuram District.

For Petitioner : Mr.K.Selvarangan

ORDER

The Civil Revision Petition arises out of the order dated 30.10.2014 passed in I.A.No.58 of 2012 in H.M.O.P.No.60 of 2003 on the file of the Principal Subordinate Court, Tindivanam, Villupuram District.

2. The petitioner has filed H.M.O.P.No.60 of 2003, against the first respondent, for dissolution of marriage solemnized on 02.11.1998. In the original petition, the respondent filed I.A.No.58 of 2012 under Section 24 of Marriage Act seeking maintenance of Rs.6,000/- p.m.to the second respondent. The respondent has averred in the affidavit that the second respondent was born on 04.02.1999 and thereafter, the petitioner herein has deserted the respondent and he has not paid maintenance.

3. The petitioner has opposed the application stating that the first respondent is working in an Anganvadi and earning more than Rs.3,000/- p.m. The petitioner further stated that his

earning is very low and he is not able to maintain himself. The petitioner has also disputed the marriage between the petitioner and the first respondent and paternity of the second respondent. Despite objection, the trial court ordered maintenance of Rs.3,000/-. Aggrieved by the same, the present revision has been filed.

4.Mr.M.Selvarangan, learned counsel for the petitioner submitted that the petitioner is disputing the paternity of minor girl through the first respondent. So, the trial court cannot direct the petitioner to pay maintenance to the second respondent; that admittedly, the first respondent was working in Anganwadi and earning Rs.6,000/- which is a very reasonable income; that the petitioner is an unemployed and derived meagre income from the agricultural work and that he has to maintain his parents.

5. The case of the first respondent is that even before the marriage, the petitioner had physical relationship with the first respondent and thereafter the marriage was solemnized on 09.11.1998 in Sri Subramania Swamy Temple and further stated that the second respondent was born through the petitioner.

6. In view of the specific pleadings of the 1st respondent, I do not find any infirmity in the order of the trial court. However, the trial court is directed to dispose of the HMOP.No.60 of 2003 on the file of the Principal Subordinate Court, Tindivanam, Villupuram District, on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order without being influenced by any of the observation made in the revision.

7. The petitioner shall pay 50% of the interim maintenance within a period of one month and the balance amount one month therefrom.

8. In the result, the Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar

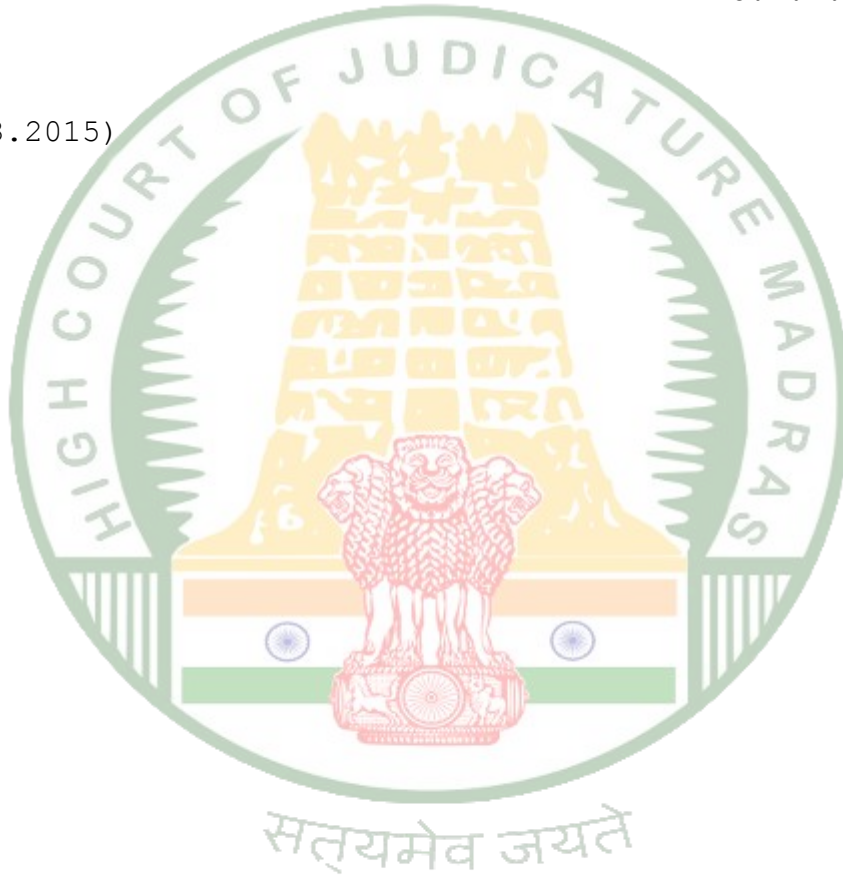
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To

The Principal Subordinate Court,
Tindivanam,
Villupuram District.

C.R.P.No.822 of 2015

CA (CO)
PSI (26.03.2015)



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