

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(PD) No.889 of 2015

And

M.P.No.1 of 2015

Mohanraj

... Petitioner

Vs.

Sumathi

... Respondent

Prayer:

Petition filed under Section Article 227 of the Constitution of India praying to set aside the order dated 02.08.2014 passed in I.A.No.144 of 2011 in H.M.O.P.No.64 of 2011 on the file of the Learned Principal Sub Judge Tindivanam and set aside the same.

For Petitioner : Mr.K.Shakespeare

O R D E R

This revision arises out of the order passed by the learned Principal Sub Judge Tindivanam in I.A.No.144 of 2011 in H.M.O.P.No.64 of 2011.

2.The petitioner has filed H.M.O.P.No.64 of 2011 for dissolution

of the marriage solemnized on 05.12.2010. In the original petition, the respondent/ wife filed I.A.No.144 of 2011 under Section 24 of the Hindu Marriage Act seeking interim maintenance of Rs.7,000/- per month, Rs.5,000/- towards cloth and Rs.5,000/- for medical expenses. The specific case of the respondent is that she underwent harassment in the hands of the petitioner and she is driven out from the matrimonial home, that her parents are agricultural coolies and she does not have independent income to maintain herself. The respondent has further averred that the petitioner/ husband is working as Conductor in a private Transport Company namely, Dhanalakshmi Balaji bus earning Rs.15,000/- towards salary per month and Rs.500/- per day as batta and commission.

3.The petitioner resisted the application, but admitted that he was working as Conductor in the private bus. The parties have given evidence as P.W.1 and R.W.1. The learned Sub-Judge after considering the evidence of the parties ordered maintenance of Rs.3,000/- per month to the wife. Aggrieved by the order, the present revision is filed.

4.Mr.K.Shakespeare, learned counsel for the petitioner submitted that the respondent has not produced any material to show that the

petitioner was earning Rs.15,000/- per month, however, the learned Sub-Judge on assumption held that he was earning Rs.10,000/- per month while ordered Rs.3,000/- as maintenance to the respondent. The learned counsel further submitted that the father of the petitioner is suffering from Cancer and he has to take care of his father.

5.It is seen that the respondent has categorically stated that the petitioner is earning Rs.15,000/- per month as salary and also received Rs.500/- daily as batta and commission. Petitioner has also admitted in his counter that he is working as Conductor in the private bus. The petitioner has not produced any documentary evidence to establish his earning. The learned Sub-Judge after considering the oral evidence ordered interim maintenance of Rs.3,000/- to the respondent.

6.In do not find any merits in this revision. In fine, the civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

10.03.2015

pri

To

1.The Principal Sub Judge Tindivanam.

K.KALYANASUNDARAM,J.
pri

C.R.P.(PD) No.889 of 2015
And
M.P.No.1 of 2015

10.03.2015