

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.09.2015

CORAM

THE HONOURABLE MR. JUSTICE T.MATHIVANAN

C.R.P.(PD) No.383 of 2012

and

M.P.No.1 of 2012

D.Murali

..Petitioner

/vs/

1.Meenakshi

2.Sivani

Minor aged about 3 years

Rep.by her mother and next friend

Mrs.Meenakshi, the 1st repondent herein

..Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the decree and fair order dated 19.07.2011 passed in I.A.No.100 of 2010 in H.M.O.P.No.239 of 2009 on the file of the learned Subordiante Judge, Poonamallee.

For Petitioner :Mr.M.Chidambaram

For respondents :No appearance

ORDER

When the revision petition is taken up for hearing, Mr.M.Chidambaram, learned counsel appearing for the revision petitioner is present and ready to argue the case.

2. Despite service of notice on the respondents, they have

not chosen to appear before this Court. Therefore, there is no other option to this Court excepting to hear Mr.M.Chidambaram, learned counsel appearing for the revision petitioner and pass the orders on merits, in the absence of the respondents.

3. It is manifest from the records that the petitioner herein being the husband of the first respondent had filed a petition in H.M.O.P.No.239 of 2009 as against the first respondent herein under Section 13(1)(iii) and i(a) of Hindu Marriage Act seeking the relief of divorce on the ground of cruelty and desertion. During the pendency of this petition, the first respondent herein had taken out an application in I.A.No. 100 of 2010 under Section 24 of Hindu Marriage Act claiming a sum of Rs.15,000/-p.m. towards maintenance for herself and another sum of Rs.10,000/- for the maintenance of her minor child and apart from this, a sum of Rs.25,000/- was also claimed towards litigation expenses.

4. This application was resisted by the revision petitioner herein by filing his counter statement.

5. After hearing both sides, the trial Court has proceeded to allow the application in I.A.No.100 of 2010 in H.M.O.P.No.239 of 2009

partly and thereby directed the revision petitioner to pay a sum of Rs.4,000/- to the respondent and another sum of Rs.2,000/- to the minor child for maintenance, totally Rs.6,000/- and towards the litigation expenses, the trial Court had directed the revision petitioner to pay a sum of Rs.5,000/-. Impugning this order, the revision petitioner has preferred this revision.

6. While advancing the argument of Mr.M.Chidambaram, the learned counsel appearing for the petitioner, has brought to the notice of this Court that earlier, the revision petitioner had filed a petition in H.M.O.P.No.91 2006 as against the respondent seeking divorce on the ground of cruelty and desertion. When the petition was taken up for hearing, a settlement was arrived at between the petitioner and the respondent and in pursuant to the settlement, both of them had united and thereafter, on account of mental unstableness, the respondent had resumed her earlier conduct and caused cruelty to the revision petitioner. On account of this reason, the revision petitioner had approached the Court below with another petition that is the present petition in H.M.O.P.No.239 of 2009 seeking divorce for aforesaid reason. That petition is still pending.

7. Mr.M.Chidambaram, the learned counsel appearing for

the petitioner has also argued that in pursuant to the advice given by the Lok Adalat, the revision petitioner had been paying a sum of Rs.2,000/- per month for the respondent and besides this, he had also paid a lump sum of Rs.10,000/- p.m. to the respondent. Without minding all these things, the respondent had taken out the present application in I.A.No.100 of 2010 claiming a sum of Rs.25,000/- towards monthly maintenance for herself as well as for minor child.

8. It appears that the revision petitioner has been working as a Mechanic. According to the learned counsel appearing for the petitioner, the revision petitioner has been earning a meager amount and already the revision petitioner continues to pay a sum of Rs.2,000/- to the respondent. In this circumstances, Mr.M.Chidambaram, learned counsel appearing for the petitioner has suggested that there might be an order of the Court saying that directing the revision petitioner to pay a sum of Rs.3,000/- to the respondent and Rs.2,000/- to the minor child, totally, Rs.5,000/-.

9. This Court has considered the submission made by Mr.M.Chidambaram and accordingly, this Court finds that there is some force in his suggestion. Keeping in view of the fact, this revision petition is

allowed in part modifying the order of the trial Court in the following manner:

The revision petitioner is directed to pay a sum of Rs.3,000/- towards monthly maintenance to the respondent and another sum of Rs.2,000/- to the minor child, totally a sum of Rs.5,000/- p.m. Insofar as the amount of Rs.5,000/- granted towards litigation expenses is concerned, the order of the trial Court is dislodged.

10. With these observations, the revision petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

23.09.2015

ari

Index:Yes/No

Internet:Yes/No

T.MATHIVANAN,J.

ari

To
The Subordiante Court,
Poonamallee.

**C.R.P.(PD) No.383 of 2012
and
M.P.No.1 of 2012**

23.09.2015