



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.03.2015
CORAM

THE HONOURABLE MRS.JUSTICE PUSHPASATHYANARAYANA

C.R.P. (PD) (MD) No.2394 of 2014
and
M.P. (MD) No.1 of 2014

S.Vadivel

.. Petitioner/Respondent/Petitioner

Vs.

Dhanalakshmi

... Respondent/Petitioner/Respondent

Prayer: Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order passed in I.A.No.44 of 2014 in H.M.O.P.NO.7 of 2013, on the file of the Principal Sub Court, Karur, dated 30.07.2014.

For Petitioner : Mr.M.P.Senthil

For Respondent : Mr.R.Devaraj

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ORDER

The Civil Revision Petition is filed by the petitioner, who is the husband and who suffered with an order of interim maintenance to be paid to the respondent, who is his wife.

2. Heard the learned Counsel for the petitioner and the learned Counsel for the respondent.

3. The Original Petition in H.M.O.P.No. 7 of 2013 is filed by the petitioner under Section 13(1)(ia) of the Hindu Marriage Act, for divorce dissolving the marriage between the petitioner and the respondent.

4. This Court does not intend to traverse into the mutual allegations made by the parties in the proceedings, which are not relevant to decide the application, which is filed under Section 24 of the Hindu Marriage Act. Admittedly, the revision petitioner/husband is working as Gr.I. Officer in Tamil Nadu State Government, as Deputy Project Officer, in the District Collector Office, Theni. His salary certificate was produced by his wife as Ex.R.5, in which it is evident that the take home pay of the petitioner is Rs.40,184/-. The respondent/wife had made a claim of Rs.25,000/-p.m. and the litigation charges of Rs.50,000/-. The Principal Subordinate Court, Karur had awarded a sum of Rs.15,000/-p.m. as interim maintenance and a sum of Rs.10,000/- towards litigation expenses.



5. The respondent/wife, who is also a B.Tech. decree holder, is not employed. Though she was employed earlier for the reasons best known, she is not employed as on date. There is no child born out of the wedlock. Other than the salary certificate, the respondent/wife has not produced any other particulars to establish that her husband is having other income. Ex.P.1 is the patta, which stands in the name of the father of the petitioner. The only point that has to be considered is the means and the capacity of the husband to pay the maintenance. In this case, other than the monthly income of the petitioner, there is no other evidence let in by the wife to prove the means of the husband.

6. The learned Counsel appearing for the petitioner also submitted that there is no arrears of maintenance as on date.

7. Earlier, at the time of admission, a conditional order of stay was granted directing the petitioner to pay a sum of Rs.10,000/-p.m. till the disposal of the revision, considering the other aspects and the fact that there is no child also, the said interim arrangement shall continue till the disposal of the original petition in H.M.O.P.No.7 of 2013.

8. In the result, the Civil Revision Petition is partly allowed. No costs. Consequently, the connected Miscellaneous Petition is closed. The revision petitioner is directed to pay a sum of Rs.10,000/-p.m. as interim maintenance till the disposal of the original petition in H.M.O.P.No.7 of 2013 and the litigation expenses awarded the trial Court shall stand unaltered. The Subordinate Court, Karur is directed to dispose of the original petition in H.M.O.P.No.7 of 2013 itself which is of the year 2013, on or before 30-June-2015, without seeking further extension of time and the parties are also directed to cooperate for disposal of the original petition.

Sd/-
Assistant Registrar(CO)

\\True copy\\

Sub Assistant Registrar

To

The Subordinate Court, Karur.

+1CC TO MR.M.P.SENTHIL, ADVOCATE SR.NO.10083

+1CC TO MR.R.DEVARAJ, ADVOCATE SR.NO.9932

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