



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.02.2015
CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (PD) (MD) No.739 of 2014
and
M.P.(MD) No.1 of 2014

D.Veemraja .. Petitioner/Respondent/Petitioner

Vs.

1. Rani ... 1st Respondent/1st Petitioner/Respondent
2. Minor.Johnson
(Represented through his
mother and next friend
Mrs.Rani, 1st petitioner ... 2nd Respondent/ 2nd Petitioner

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.66 of 2013 in I.D.O.P.No.23 of 2012 dated 13.12.2013 on the file of the I Additional District and Sessions Court, Tirunelveli.

For Petitioner : Mr.H.Arumugam

For Respondents: Mr.A.Sivasubramanian of
M/s.Siva Ayyappan Associates

ORDER

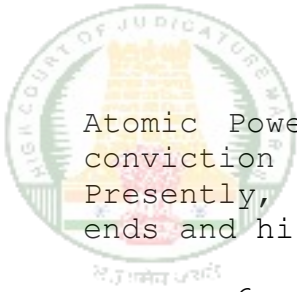
The Civil Revision Petition is filed by the husband in the matrimonial dispute.

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

3. The wife and the minor son have filed an application in I.A.NO.66 of 2013 claiming monthly maintenance of Rs.10,000/- each under Section 36 of the Indian Divorce Act. The said application was allowed directing the husband/revision petitioner herein to pay a sum of Rs.3,000/-p.m. to the wife as maintenance and a sum of Rs.2,000/- p.m. for the child, in total a sum of Rs.5,000/- was directed to be paid by the husband.

4. The said order is challenged by the husband, on the ground that the counter affidavit filed by him has not been considered by the Court below.

5. The Court below had not discussed the income of the petitioner and what is his capacity to pay the interim maintenance. Without discussing in all these aspects, the trial Court has allowed the said application. In fact in the I.A, the petitioner has stated in his counter affidavit that he lost his job as technical assistant in the Koodankulam



Atomic Power Station and he was removed from service, in view of the conviction made by the Mahila Court, Tirunelveli in C.C.No.280 of 2008. Presently, he is running a xerox shop and he is unable to meet both the ends and his income is only Rs.5,000/-.

6. Considering the income of the petitioner, the interim maintenance payable by the husband is reduced and a sum of Rs.2,000/-p.m. is to be paid to the wife and a sum of Rs.1,000/-p.m. is to be paid to the child by the revision petitioner. The revision petitioner is also directed to pay the arrears in consonance with the amount fixed now from the date of filing of I.A. till today, within a period of eight weeks from the date of receipt of a copy of this order. The I Additional District and Sessions Judge, Tirunelveli is also directed to dispose of I.D.O.P.No.23 of 2012 by taking it up for trial on day to day basis and dispose of the same on or before 31-July-2015.

7. With the above directions, the Civil Revision Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(Writs)

\\True copy\\

Sub Assistant Registrar

To

1.The I Additional District and Sessions Court, Tirunelveli.

2.The Principal District Judge, Tirunelveli

Copy to : The Section Officer, VR section, Madurai Bench of Madras High Court Madurai

+1cc to MR.H.ARUMUGAM, ADVOCATE SR.NO.6890

+1cc to M/S.SIVA AYYPPAN ASSOCIATES , A.Siva Subramanian,
Advocate Sr.No.6839

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