



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 18.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

C.R.P(MD)No.2460 of 2015

A.R.Chandrasekar

.. Revision Petitioner/
Respondent/Petitioner

Vs.

Kamaleswari

.. Respondent/
Petitioner/Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order, dated 09.07.2015 passed in I.A.No.57 of 2014 in H.M.O.P.No.80 of 2014 on the file of the Sub Court, Virudhunagar.

For Petitioner : Mr.S.Alagarsamy

ORDER

Impugning the fair and decreetal order, dated 09.07.2015 and made in I.A.No.57 of 2014 in H.M.O.P.No.80 of 2014 on the file of the Sub Court, Virudhunagar, this revision is preferred by the revision petitioner herein, who is the respondent in the application in I.A.No.57 of 2014.

2. Heard Mr.S.Alagarsamy, learned counsel appearing for the revision petitioner and perused the averments of the grounds of the Civil Revision Petition along with the materials available on record which includes the impugned order.

3. The petitioner herein, who is the husband of the respondent, had initiated a matrimonial proceedings in H.M.O.P.No.80 of 2014 on the file of the learned Subordinate Judge, Virudhunagar as against the respondent under Section 13 (1-a) of the Hindu Marriage Act, seeking the relief of divorce dissolving their marriage which was solemnized on 28.08.1998. That petition was resisted by the respondent by filing her counter statement. During the pendency of the said petition, the respondent herein has come forward with an application in I.A.No.57 of 2014 under Section 24 of the Hindu Marriage Act, claiming a sum of Rs.10,000/- towards her monthly maintenance and another amount of Rs.25,000/- towards the litigation expenses. This petition was strenuously contested by the petitioner and after hearing both sides, the learned Subordinate Judge, Virudhunagar has proceeded to allow that petition partly directing the revision petitioner to pay a sum of Rs.6,000/- towards the monthly maintenance and a sum of Rs.10,000/- towards the litigation expenses. Having been aggrieved by the impugned order, the revision petitioner has approached this Court with this revision.



4. It is apparent from the records that the revision petitioner has been working as an Assistant in the State Bank of India, Virudhunagar. As it is seen from the letter given by the Chief Manager, State Bank of India, Virudhunagar, the petitioner has been drawing a sum of Rs.23,093/- towards his monthly salary. Since he has availed an overdraft facility against his salary for a limit of Rs.7,00,000/-, he has to repay the said amount with interest at the rate of 8% and the approximate interest is Rs.5,600/-. Therefore, according to the Chief Manager, State Bank of India, Virudhunagar, as it is seen from the above said letter dated 25.08.2015, the revision petitioner's net salary is Rs.17,493/-. With this amount, as submitted by Mr.S.Alagarsamy learned counsel for the petitioner, the revision petitioner has to maintain his age old parents aged about 81 and 72 years respectively. Besides his parents, he has to maintain his two minor children (one male and female), as they are school going children. He has, therefore, submitted that the monthly interim alimony as well as litigation expenses passed by the learned Subordinate Judge, Virudhunagar is absolutely disproportionate to the salary drawing by the revision petitioner and he has also urged to set aside the impugned order.

5. Considering the submission made by the learned counsel for the revision petitioner and on perusal of the averments of the affidavit filed in support of the petition, this Court finds that the order passed by the learned Subordinate Judge, Virudhunagar may be modified to the following extent:-

"(i) The revision petitioner/respondent is directed to pay a sum of Rs.4,000/- per mensem towards the monthly maintenance to the respondent/petitioner instead of Rs.6,000/- and

(ii) He is also directed to pay a sum of Rs.5,000/- to the respondent/petitioner towards litigation expenses instead of Rs.10,000/-."

6. The revision petitioner/respondent is directed to pay the amount specified under clause (i) to the respondent/petitioner from the date of petition till the disposal of the main petition in H.M.O.P.No.80 of 2014. The revision petitioner/respondent is directed to deposit the arrears of maintenance at the rate of Rs.4,000/- per mensem from the date of petition as on date before the Sub Court, Virudhunagar, on whose file the matrimonial proceedings in H.M.O.P.No.80 of 2014 is pending, within a period of eight weeks from the date of receipt of a copy of this order. Insofar as the litigation expenses specified under clause (ii) is concerned, he shall pay the said amount to the respondent/petitioner within a period of 15 days from the date of receipt of a copy of this order.

7. With the above said modification, this Civil Revision Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-II)

/True copy/



To

The Subordinate Judge,
Virudhunagar.

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+1cc to Mr.S.Alagarsamy, Advocate SR.NO.66303

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