



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 07.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

**C.R.P (MD) No.2556 of 2015 (PD)
and M.P. (MD) .No.1 of 2015**

V.Selvarajan

..Petitioner/Respondent/Petitioner

Vs.

Arthy

..Respondent/Petitioner/Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records relating to the fair and decretal order dated 27.08.2015 passed in I.A.No.61 of 2013 in H.M.O.P.No.77 of 2012 on the file of the Sub Court, Virudhunagar and set aside the same.

For Petitioner : Mr.K.Sekar

ORDER

Impugning the fair and decretal order dated 27.08.2015, the petitioner herein, who is also the petitioner in the matrimonial proceedings in H.M.O.P.No.77 of 2012, has filed this revision petition.

2.It appears from the records that the petitioner has filed a petition in H.M.O.P.No.77 of 2012, on the file of the learned Sub-Judge, Virudhunagar, as against the respondent herein under Section 13(1)(i-a) of the Hindu Marriage Act 1955 seeking the relief of divorce on the ground of cruelty. The respondent herein has contested that petition by filing a counter statement. The respondent has also filed another petition in H.M.O.P.No.87 of 2012 under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. That petition has also been contested by the petitioner herein. Both the petitions are pending before the Sub-Court, Virudhunagar.

3.In the interregnum, the respondent herein has filed a petition in I.A.No.61 of 2013 in H.M.O.P.No.77 of 2012 under Section 24 of Hindu Marriage Act, seeking interim alimony to the tune of Rs.10,000/- towards her monthly maintenance and Rs.5,000/- towards the maintenance of her minor son. This petition was strenuously contested by the petitioner herein. However, the learned Trial Judge has proceeded to allow that petition partly and granted a sum of Rs.7,000/- towards monthly maintenance of the respondent and another amount of Rs.3,000/- towards the maintenance of her minor son. This order has been challenged in this Revision Petition.



5.This Court has perused the grounds of the revision along with the impugned order. It is obviously to note here that the petitioner is working as an Officer in Karur Vysya Bank and earning a sum of Rs.40,000/- per month. In this Connection, Mr.Sekar, learned counsel for the petitioner has submitted that the petitioner had to look after his aged parents and to repay the marriage loan, which was availed by him at the time of his marriage with the respondent. He has also submitted that the learned Subordinate Judge, Virudhunagar had wrongly fixed the monthly maintenance of Rs.7,000/- to the petitioner and a sum of Rs.3,000/- to the minor son and therefore, the order itself was deserved to be set aside and that the petitioner was willing to pay a sum of Rs.4,000/- towards the monthly maintenance of the respondent and a sum of Rs.3,000/- towards the maintenance of their minor son.

6.Keeping in view of the position expressed by the petitioner and considering the prevailing circumstances, this Court finds that the monthly maintenance ordered by the learned Subordinate Judge, Virudhunagar in respect of the respondent to an extent of Rs.7,000/- can be modified to Rs.5,000/- and the monthly maintenance of Rs.3,000/- towards minor son can be maintained without any modification.

7.Accordingly, this Civil Revision Petition is allowed in part.

(a)The petitioner is directed to pay a sum of Rs.5,000/- to the respondent instead of Rs.7,000/-. The monthly maintenance of Rs.3,000/-ordered in respect of minor son is maintained.

(b)The petitioner is directed to pay the above said amounts to the respondent as well as their minor son from the date of petition.

(c) The arrears of maintenance shall be deposited to the credit of H.M.O.P.No.77 of 2012 within a period of three months.

(d)The monthly maintenance as ordered above shall be continued to pay till the disposal of the main petition. However, there shall be no order as to costs. Consequently, connected miscellaneous appeal is also closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge, Virudhunagar.

+1cc to Mr.K.Sekar, Advocate Sr.No.69640

Akm/17.12.2015/ 2p- 3c/jgb/dp/SAR-I