

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.10.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.4268 of 2015 and
M.P.No.1 of 2015

S.Karthikeyan

...Petitioner

versus

G.Barathi
Represented by her Guardian
Mother Saroja

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order of the learned Principal Sub-Judge, Tindivanam in I.A.No.77 of 2008 in HMOP No.10 of 2008 dated 29.07.2015.

For Petitioner : Mr.M.Velmurugan

For Respondent : Mr.Prakash Adiapadam

ORDER

The respondent initiated a proceedings in HMOP No.10 of 2008 before the Principal Sub-Court, Tindivanam, praying for a decree of divorce. In the said original proceedings, the respondent filed an application for interim maintenance in I.A.No.77 of 2008. The learned Trial Judge taking into account the evidence on record passed an order

directing the petitioner to pay a sum of Rs.7,000/- as maintenance to the respondent and the minor child. The said order is challenged in this Civil Revision Petition.

2. The learned counsel for the petitioner contended that there was no evidence produced by the respondent to prove the allegation that the petitioner has been earning a sum of Rs.25,000/- per month. The learned counsel further contended that the Trial Court failed to consider the evidence adduced by the petitioner to the effect that he was not running any business and as such, it would not be possible for him to pay maintenance.

3. I have also heard the learned counsel for the respondent.

4. The proceedings in HMOP No.10 of 2008 was instituted by the petitioner before the Sub-Court, Tindivanam. It was only in the said proceedings, the respondent filed an interim application for maintenance. The learned Judge on a consideration of the background facts exercised his discretion by granting maintenance at the rate of Rs.4,000/- to the respondent and Rs.3000/- to the minor son. The minor son of the petitioner is a student of an educational institution in

VII Standard. Taking into account the cost of living index, it cannot be said that the amount awarded by the Trial Court is excessive. In any case, the Trial Court has only granted Rs.4,000/- to the respondent and Rs.3000/- to the minor. The said amount was fixed taking into account the evidence on record. I am therefore of the view that no interference is called for in the order passed by the learned Trial Judge.

5. The petitioner is given 4 weeks' time to deposit the remaining amount, failing which, it is open to the Trial Court to take action to recover the maintenance amount from him in accordance with law.

6. The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

21.10.2016

Index:Yes/No
svki

To

The Principal Sub-Court, Tindivanam

K.K.SASIDHARAN, J.

(svki)

C.R.P.(P.D.) No.4268 of 2015

21.10.2016