

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

C.R.P.(P.D.) No.1018 of 2016 and
CMP.No.5686 of 2016

T.J.Sivaraj

... Petitioner

Vs.

Saradha Preethi

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the judgment and decree dated 08.10.2015 passed in I.A.No.56/2014 in H.M.O.P.No.67 of 2014 on the file of the Hon'ble Sub-Court at Neyveli.

For Petitioner : Mr.R.Jayakumar

For Respondents : Mr.V.Balamurugane

ORDER

The respondent filed proceedings in HMOP.No.67 of 2014 before the Sub-Court at Neyveli, praying for a decree dissolving the marriage between the parties. In the said proceedings, the respondent filed I.A.No.56 of 2014 claiming interim maintenance. The Trial Court passed an order, dated 08 October 2015, directing the petitioner to pay monthly maintenance at the rate of Rs.25,000/-. There was a further direction to pay a sum of Rs.10,000/- towards litigation expenses. The said order is challenged in this Civil Revision Petition.

2. The learned counsel for the petitioner contended that the petitioner is not in a position to pay the monthly maintenance, awarded by the Trial Court. The learned counsel, therefore, wanted modification of the order passed by the learned Trial Judge.

3. The learned counsel for the respondent on the other hand submitted that the petitioner is an employee of an I.T. Company and as such, there would not be any difficulty for him to pay the amount awarded by the Trial Court.

4. The respondent initiated proceedings in I.A.No.56 of 2014 claiming interim maintenance during the currency of the original petition in H.M.O.P.No.67 of 2014.

5. The learned Trial Judge found that the petitioner has been working as a Project Manager in I.B.M. Company and he was earning a sum of Rs.75,000/- per month. The Trial Court, therefore, fixed the monthly maintenance at the rate of Rs.25,000/-. The order was passed taking into account the documents marked before the Trial Court. There is no question of interfering in the discretionary order passed by the learned Trial Judge. The petitioner miserably failed to plead and prove that his salary is something less and as such, it would not be possible for him to pay the

amount as directed by the Trial Court. I am therefore of the view that absolutely, there is no merit in the contention taken by the petitioner.

6. In the up shot, I dismiss the Civil Revision Petition. No Costs. Consequently, connected Miscellaneous Petition is closed.

04.10.2016

rm/syki
Index : Yes/No

To

The Sub Court,
Neyveli.

K.K.SASIDHARAN,J.

rm

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