

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22.09.2016**

CORAM:

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

**C.R.P.(P.D.) No.1677 of 2016 and**  
**CMP.No.8974 of 2016**

Ashok Kumar

...Petitioner

versus

Elavenil

...Respondent

**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India against order and decree made in IA No.174/2015 in HMOP No.127 of 2015 dated 09.02.2016 on the file of Sub Court, Nagapattinam.

For Petitioner : Mr.D.Rajagopal

For Respondent : Mr.R.Rajaramani

**ORDER**

The respondent filed an interlocutory application in IA No.174 of 2015 in HMOP No.127 of 2015 for maintenance. The Trial Court taking into account the salary of the petitioner awarded a sum of Rs.10,000/-

(Rupees Ten thousand only) as maintenance. The said order is under challenge in this Civil Revision Petition.

2. The learned counsel for the petitioner contended that the salary of the petitioner was wrongly taken as Rs.30,000/- per month on account of his wrong statement in the counter affidavit. According to the learned counsel, the petitioner is receiving a salary of Rs.24,323/- per month and as such, the order requires modification.

3. The learned counsel for the respondent justified the impugned order passed by the learned Trial Judge.

4. The learned Trial Judge by taking note of the statement given by the petitioner that his salary was a sum of Rs.30,000/- has allowed the application for maintenance and a direction was issued to pay a sum of Rs.10,000/- as monthly maintenance to the respondent. The pay slip for the month of January 2016, produced by the petitioner indicates that he is receiving Rs.31,121/- as salary. Even if the salary is a sum of Rs.24,323/- still, the learned Trial Judge was correct in granting interim maintenance at the rate of Rs.10,000/- per month. The maintenance amount was fixed by taking into account the salary of

the petitioner, the condition of the respondent and all other relevant circumstances. I am therefore of the view that no interference is called for in the order under challenge.

5. In the result, the Civil Revision Petition is dismissed. The petitioner is granted one week time to pay the entire arrears. The matrimonial proceedings initiated by the petitioner would be taken up by the Sub Court, Nagapattinam, (consequent to the order passed in Tr CMP746/15 on 22.09.2016) only after payment of entire arrears. The petitioner shall continue to pay monthly maintenance till the disposal of the matter. No costs. Consequently, connected miscellaneous petition is closed.

**22.09.2016**

Index:Yes/No  
Internet:Yes/No  
svki/jv

To

The Sub Court,  
Nagapattinam.

**K.K.SASIDHARAN, J.**

**(svki/jv)**

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