

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **17.10.2016**

CORAM:

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

C.R.P.(P.D.) No.3179 of 2016 and
CMP.No.16156 of 2016

E.Rajasekaran

...Petitioner

versus

1.Kanimozhi

2.Minor Kavisri

(Rep. by her mother and natural guardian Kanimozhi)

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order made in I.A.No.147 of 2014 in HMOP No.117 of 2013 dated 05.11.2015 on the file of learned Principal Sub-Court, Vriddhachalam.

For Petitioner : Mr.S.Kumaradevan

ORDER

The petitioner initiated proceedings for divorce in HMOP No.117 of 2013 before the Principal Sub-Court at Vriddhachalam. In the said original proceedings, the respondents filed an application in I.A.No.147 of 2014 praying for interim maintenance. The learned Trial Judge, taking into account the background facts awarded a sum of Rs.5,000/- to the first respondent and another sum of Rs.5,000/- to the second

respondent by way of interim maintenance. The said order is under challenge in this Civil Revision Petition.

2. The learned counsel for the petitioner contended that the petitioner is unemployed and as such, it would not be possible for him to pay the maintenance. No other contention is raised in this civil revision petition.

3. The petitioner was a tailor. The said position is admitted. According to the petitioner, presently, he is not employed and as such, it would not be possible to pay the maintenance.

4. The petitioner initiated proceedings in HMOP No.117 of 2013. The wife should have the means for her maintenance as well as for defending the proceedings initiated by the husband. The learned Trial Judge, considered the background facts and more particularly, the avocation of the petitioner as a tailor, rightly awarded a sum of Rs.5,000/- to the first respondent and another sum of Rs.5,000/- to the second respondent. I do not find any error or illegality in the said order warranting interference, by exercising the revisional jurisdiction under Article 227 of the Constitution of India.

5. In the up shot, I dismiss the Civil Revision Petition. No costs.
Consequently, connected miscellaneous petition is closed.

6. The petitioner is given four weeks' time from today to pay the entire arrears. In case, the petitioner fails to pay the amount, it is open to the Trial Court to take action to recover the maintenance amount from him in accordance with law.

17.10.2016

Index:Yes/No
svki
To

The Principal Sub-Court, Vriddhachalam

K.K.SASIDHARAN, J.

(svki)

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