

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.04.2016

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

C.R.P.(PD) No.3313 of 2012
and
M.P.No.1 of 2012

Shanmuga Sundaram

... Petitioner

vs.

1.Shanthi
2.Minor Priyadarshan

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 13.07.2012 made in I.A.No.17 of 2012 in H.M.O.P.No.19 of 2011 on the file of the learned Subordinate Judge, Vaniyambadi, Vellore District.

For Petitioner : Mr.R.Vasudevan

For Respondents : Ms.V.Sahana
for Mr.D.Balachandran

ORDER

This Civil Revision Petition arises against the fair and decretal order dated 13.07.2012 made in I.A.No.17 of 2012 in H.M.O.P.No.19 of 2011 on the file of the learned Subordinate Judge, Vaniyambadi, Vellore District.

2. The revision petitioner filed a petition in H.M.O.P.No.19 of 2011 on

the file of the Subordinate Court, Tirupattur for dissolution of marriage against the respondent/wife.

3. During pendency of the said H.M.O.P., the respondent filed I.A.No.17 of 012 in the same Court seeking for interim maintenance of a sum of Rs.10,000/- and for costs of Rs.20,000/- in favour of the respondents. After hearing the arguments advanced by the learned counsel appearing for the parties and considering the facts and circumstances of the case, by order dated 13.07.2012, the Family Court awarded a sum of Rs.3,000/- towards maintenance to each of the respondents and a sum of Rs.5,000/- towards costs. Aggrieved by this order, the present Civil Revision Petition has been filed by the revision petitioner.

4. Mr.R.Vasudevan, learned counsel appearing for the revision petitioner would submit that the learned Subordinate Judge has erroneously fixed the interim maintenance for respondents at the rate of Rs.3,000/- each and costs of Rs.5,000/- towards litigation expenses without taking into consideration the financial status of the petitioner and the learned Subordinate Judge failed to appreciate the fact that the first respondent was a qualified Engineer employed in a software company in Bangalore and earning more than that of the petitioner and therefore, she is not entitled to claim maintenance for herself and for minor son. Therefore, the impugned order is liable to be set aside.

5. Ms.V.Sahana, learned counsel appearing for the respondents would submit that the Family Court has rightly come to the conclusion after considering the submissions made and considering the facts and circumstances of the case and therefore, the impugned order does not warrant interference at the hands of this Court.

6. Heard the learned counsel appearing for the parties and perused the records.

7. The respondent herein filed the instant Interlocutory Application seeking for interim maintenance of of Rs.10,000/- and for costs of Rs.20,000/- in favour of the respondents. The revision petitioner filed a counter affidavit denying the allegations made in the Application. However, no oral and documentary evidence was adduced on either side in support of their earnings. Considering the facts and circumstances of the case, by order dated 13.07.2012, the Family Court awarded a sum of Rs.3,000/- towards maintenance to each of the respondents and a sum of Rs.5,000/- towards costs. In such circumstances, this Court is of the view that the order passed by the Family Court is a reasoned order and does not require interference at the hands of this court. Therefore, the Civil Revision Petition is liable to be dismissed.

8. In the light of the above discussion, this Court is inclined to pass the

following orders:-

(i) The fair and decretal order dated 13.07.2012 made in I.A.No.17 of 2012 in H.M.O.P.No.19 of 2011 by the Family Court/Subordinate Judge, Vaniyambadi, Vellore District, is confirmed.

(ii) The revision petitioner is directed to pay the interim maintenance of Rs.3,000/- for each of the respondents as ordered by the Family Court in I.A.No.17 of 2012 in H.M.O.P.No.19 of 2011 on or before 05th of every english calendar month from the month of June, 2016.

(iii) The arrears of the interim maintenance shall be paid within a period of three months from today.

9. In the result, the Civil Revision Petition is dismissed.
The connected Miscellaneous Petition is closed. No costs.

Index : yes / no
Internet :yes / no
asvm

29.04.2016

To
The Subordinate Judge,
Vaniyambadi, Vellore District.

D.KRISHNAKUMAR, J.

(asvm)

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