



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.02.2016

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

WEB COPY

CRP (MD) (PD).No.2191 of 2015 and MP(MD).No.1 of 2015

P. Vijayakumar : Revision Petitioner / Respondent/
Petitioner
Vs.

1.Gowshika

2. Minor Krishnakanth : Respondents/Petitioners/Respondent
(rep. by his mother / first respondent)

Prayer: The Civil Revision Petition is filed under Article 227 of the Consitution of India against the fair and decreetal order passed in I.A.No.359 of 2015 in HMOP.NO.555 of 2014 on the file of Family Court, Madurai, dated 26.08.2015.

For Petitioner : Mr.T.C.S. Thillainayagam

For respondents : Mr. P. Ganapathi Subramanian

ORDER

The Civil Revision Petition is filed against the fair and decreetal order, passed in I.A.No.359 of 2015 in HMOP.NO.555 of 2014 on the file of Family Court, Madurai, dated 26.08.2015.

2. The revision petitioner is the husband. The first respondent is the wife of the revision petitioner and the second respondent is their son.

3. The marriage between the petitioner and the first respondent was solemnized on 12.06.2011. A male child was born in the wedlock on 15.08.2012. Due to dispute, both are living separately. The revision petitioner filed HMOP.No.2373 of 2012 on the file of Family Court, Chennai, for divorce, on the ground of cruelty and the same has been transferred to Family Court, Madurai and re-numbered as HMOP.No.555 of 2014. In the HMOP, the respondents filed I.A.No.359 of 2015, for interim maintenance for herself and minor son @ Rs.25,000/- per month. According to the respondents, the petitioner is working in Pune and earning Rs.75,000/- per month. According to him, he is earning only a sum of Rs.40,000/- per month and after deduction he is getting Rs.30,800/- and he has to maintain himself and aged parents and he has to pay the loan amounts. Further the first respondent left the matrimonial home on her own volition and therefore, she is not entitled for maintenance. The learned Judge considering the facts and circumstances of the case, ordered Rs.20,000/- per month as maintenance, to the first respondent and her minor son. Against that, present revision is filed.



4. The learned counsel for the petitioner contended that the petitioner is earning only Rs.40,000/- and after paying loan amount he is getting only Rs.30,800/- and it is very difficult for him to maintain himself and his aged parents. The respondent left matrimonial home without any valid reason. The respondent is MBA graduate and previously she was working and earning.

5. The learned counsel for the respondents contended that the petitioner did not take the respondents to matrimonial home, firstly at Chennai. The respondent was residing with her in-laws at Trichy and was forced to resign the Job at Chennai. Further, her in-laws were ill treated the first respondent and she was driven out from the matrimonial home. Now, the first respondent is residing with her grandmother along with minor child. She is not having any independent income for her day to day expenses and the petitioner has not paid any amount till today. The petitioner is earning Rs.75,000/- per month and contention of petitioner that he is earning Rs.40,000/- is not correct and prayed for dismissal of this Civil Revision Petition.

6. Heard the learned counsels appearing on either side and perused the materials on record.

7. From the pleadings it is seen that the case of the first respondent is that the petitioner is earning a sum of Rs.75,000/- per month. The petitioner has stated that he is only earning a sum of Rs.40,000/- per month and after deduction he is getting Rs.30,800/-. But, he has not produced any salary certificate for proof. No oral and documentary evidence was let in before the learned Judge.

8. In such circumstances, the learned Judge considered all the materials on record in proper perspective and has given valid and cogent reasons for granting Rs.20,000/- as maintenance for herself and minor. Further the learned Judge has exercised his power conferred on him properly and there is no irregularity or illegality warranting interference by this Court.

9. In the result, the Civil revision petition is dismissed confirming the impugned order passed in I.A.No.359 of 2015 in HMOP.NO.555 of 2014 on the file of Family Court, Madurai, dated 26.08.2015. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

/True Copy/



To

The Judge,
Family Court, Madurai

+1cc to Mr.T.C.S.Thillai Nayagam, Advocate Sr.No.11470
+1cc to Mr.P.Ganapathi Subramaniam, Advocate Sr.No.11428
trp
AA/SKS-RR/24.03.2016/3p-4c

CRP (MD) .No.2191 of 2015
and MP (MD) .No.1 of 2015
29.02.2016