



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P. (MD) No.1618 of 2016

and

C.M.P. (MD) No.7897 of 2016

Arokia Jose Antony

..Petitioner/Respondent/Petitioner

Vs.

Sedhuni

..Respondent/Petitioner/Respondent

Prayer: Civil Revision Petition is filed under Article 227 of Constitution of India to call for the records and to set aside the order passed in I.A.No.220 of 2014 in D.O.P.No.264 of 2014 on the file of the District Court, Kanyakumari District at Nagercoil, dated 21.06.2016 by allowing this Civil Revision Petition.

For Petitioner : Mr.Ananth C.Rajesh

ORDER

This Revision is directed against the order of the learned District Judge, Kanyakumari District at Nagercoil in I.A.No.220 of 2014 in D.O.P.No.264 of 2014, dated 21.06.2016.

2. Heard the learned counsel appearing for the petitioner and perused the records.

3. The respondent is the wife of the petitioner. D.O.P.No.264 of 2014 was filed by the petitioner under Section 10(1)(VII) and IX of the Divorce Act 1869 for dissolution of the marriage solemnized on 14.12.2011. Pending trial, the respondent filed an application in I.A.No.220 of 2014 seeking interim alimony of Rs.20,000/- per month and Rs.20,000/- towards litigation expenses.

4. The case of the respondent is that her parents provided 81 sovereigns of golden jewels, cash of Rs.5,00,000/- and household articles worth about Rs.50,000/-, as demanded by her husband. The petitioner used to harass the respondent demanding more dowry and she was also put into a separate room and she was abused and beaten by the petitioner. Thereby, she suffered untold mental and physical cruelty. The respondent has further averred in the application that a female child, namely, Imna was born on 04.09.2012 and she is under her care and custody. The petitioner/husband is working as an Accountant in abroad and he is earning Rs.60,000/- per month. However, the petitioner failed to maintain both of them and spoiled her entire life and they are suffering financially.



5. The petitioner resisted the petition stating that he was falsely implicated in a criminal case registered under Section 498 (A), 506(ii) I.P.C., and Section 3 and 4 of Dowry Prohibition Act and he has no source of income and he has no work.

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6. The learned District Judge allowed the application, directing the petitioner to pay Rs.10,000/- per month as interim alimony and Rs.20,000/- towards litigation expenses to the respondent.

7. It is to be seen that the relationship of the parties are not in dispute. It is also admitted that four years old child is under the care and custody of her mother and the respondent/wife is a home maker.

8. Considering the above facts, I do not find any perversity or illegality in the order impugned in this Revision.

9. In fine, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To
The District Judge, Kanyakumari District at Nagercoil.

+2cc to M/s.Ananth C.Rajesh, Advocate in SR.46802

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pmu

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