



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2016

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE **K.KALYANASUNDARAM**

C.R.P. (MD) No. 855 of 2016
and C.M.P. (MD) No. 4384 of 2016

Racheal Mercy ... Petitioner/Respondent/Wife

Vs.

John @ Johndurai Singh ... Respondent/Petitioner/Husband

PRAYER: Civil Revision Petition filed under Section 227 of Constitution of India against the order dated 17.11.2015 passed in I.A.No. 402 of 2015 in I.D.O.P.No.42 of 2015 on the file of the III Additional District Judge, Tirunelveli, Tirunelveli District.

For Petitioner : Mr.S.Krishnan

ORDER

This revision is directed against the order dated 17.11.2015 passed by the III Additional District Judge, Tirunelveli, Tirunelveli District in I.A.No. 402 of 2015 in I.D.O.P.No.42 of 2015.

2. Heard the learned counsel for the petitioner and perused the materials available on record. There is no representation for the respondent.

3. The petitioner has filed I.D.O.P.No.42 of 2015 against the respondent under Section 10(ix)(x) of Indian Divorce Act. In the Original Petition, the respondent/Husband filed an application in I.A.No.402 of 2015 seeking for a direction to the petitioner to pay Rs.15,000/- per month as maintenance and educational expenses to their children contending that the respondent is working as a Gardener in a school and the petitioner is working as Police Head Constable and earning Rs.40,000/- per month.

4. The learned Judge, after considering the case on either side, directed the petitioner/wife to pay Rs.6,000/- as interim maintenance till the disposal of the I.D.O.P.No.42 of 2015.



5. Mr.S.Krishnan, learned counsel for the petitioner would submit that though the respondent has filed an application seeking interim maintenance for the children, they have not been added as parties and virtually this amount will be spent by the respondent.

6. It is not in dispute that the petitioner and the respondent are blessed with two children and both of them are in custody of the respondent and they are studying in a private school. It is also not in dispute that the petitioner is working as Police Head Constable and earning Rs.40,000/- per month. It is the statutory and moral obligation of the petitioner to maintain her children and for payment of interim maintenance, they need not be dragged in the divorce case.

7. In such view of the matter, I do not find any illegality in the order dated 17.11.2015 passed by the learned III Additional District Judge, Tirunelveli, in I.A.No. 402 of 2015 in I.D.O.P.No.42 of 2015.

8. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected C.M.P.(MD) No. 4384 of 2016 is also dismissed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The III Additional District Judge, Tirunelveli.

AA/PEK/01.08.2016/2p-2c

C.R.P. (MD) No.855 of 2016
and C.M.P. (MD) No. 4384 of 2016

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