

THE HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

C.R.P. No. 4834 of 2016

ORDER:

The revision arises out of an order permitting amendment of the pleadings and the prayer in a suit for maintenance.

Heard learned counsel for the petitioner-husband.

The wife originally filed a suit in the year 2002 and secured decree for payment of maintenance of Rs.2,000/- per month. On the ground that subsequently the cost of living went up, she filed a fresh suit in O.S.No.85 of 2014 seeking maintenance of Rs.8,000/- per month. During the pendency of the suit, Pay Commission Recommendations were implemented. Hence, the wife filed an application for amendment so as to increase her claim to Rs.15,000/- per month. The amendment was allowed by the trial Court forcing the husband to come up with the above revision.

It is no doubt true that the application for amendment was filed when the suit was taken up for trial. But this is not a case where a new cause of action is sought to be introduced at the time of trial by way of amendment. Irrespective of whether the respondent/wife asked for Rs.8,000/- or Rs.15,000/-, the Court can only grant a relief depending upon the status of the petitioner. Therefore, the amendment will not actually affect the rights of the petitioner.

Hence, the Civil Revision Petition is dismissed. Pending Miscellaneous Petitions shall also stand dismissed. No order as to costs.

---

V. RAMASUBRAMANIAN, J

Date: 28.10.2016

va