

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.R.P (PD).No.1562 of 2014
and M.P.No.1 of 2014

B.Murthy

... Petitioner

Vs.

Jayanthi

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 03.12.2013 passed in I.A.No.101 of 2012 in H.M.O.P.No.59 of 2010 on the file of the Subordinate Court, Poonamallee.

For Petitioner : Mr.G.Muthukumar

For Respondent : Mr.H.Nazirudeen

ORDER

The facts necessary for the disposal of the revision petition is that the revision petitioner filed H.M.O.P.No.59 of 2010 for dissolution of marriage solemnized between the petitioner and the respondent.

2.During the pendency of the matrimonial case, an application seeking for interim maintenance was filed by the respondent and the trial Court passed an order on 03.12.2013 granting an interim a monthly

maintenance of Rs.5,000/- to the petitioner and her child from the date of presentation of the petition (i.e.) 05.06.2012. A further direction was issued to pay a sum of Rs.5,000/- as one time payment towards the cost of litigation.

3.The learned counsel appearing for the petitioner is unable to confirm whether there is any payment of maintenance made by the revision petitioner or not.

4.Per contra, the learned counsel appearing for the respondent submitted that no payment has been made to the respondent/wife and the revision petitioner is dodging the payment of maintenance amount.

5.The maintenance is a livelihood and the trial Court has rightly ordered payment of maintenance for the respondent as well as to the child. When the revision petitioner has not honoured the order of this Court regarding payment of interim maintenance, inspite of the fact that no stay has been granted by this Court, this Court is not inclined to consider the grounds raised in the revision.

6. Accordingly, the order passed in I.A.No.101 of 2012 in H.M.O.P.No.59 of 2010 dated 03.12.2013 is confirmed and the Civil Revision Petition is devoid of merits. In the result, the Civil Revision Petition in C.R.P.(PD).No.1562 of 2014 is dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes
Internet : Yes
va

24.02.2017

To

The Subordinate Court, Poonamallee.

S.M.SUBRAMANIAM , J.

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