

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.1856 of 2017
& C.M.P.No.8906 of 2017

Dinakaran

.. Petitioner

Vs.

Santhy @ Santha Gowri

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 22.12.2016 made in I.A.No.55 of 2016 in H.M.O.P.No.108 of 2015 on the file of the learned Subordinate Judge, Mannargudi.

For Petitioner : Mr.K.Balasubramanian

ORDER

This Civil Revision Petition has been filed against the fair and decreetal order dated 22.12.2016 made in I.A.No.55 of 2016 in

H.M.O.P.No.108 of 2015 on the file of the learned Subordinate Judge, Mannargudi.

2. Petitioner is husband and respondent is wife. Petitioner filed H.M.O.P.No.108 of 2015 against the respondent for divorce, on the file of the learned Subordinate Judge, Mannargudi. The respondent filed counter statement on 03.12.2015. In the said H.M.O.P., the respondent filed I.A.No.55 of 2016 claiming interim maintenance of Rs.25,000/- per month for their day to day affairs and another sum of Rs.50,000/- as interim maintenance for the respondent and minor child.

3. According to the respondent, the petitioner is working in Singapore and earning considerable amount. On petition filed by the respondent before the learned Judicial Magistrate No.II, Tanjore, the learned Judicial Magistrate by order dated 19.12.2014 directed the petitioner to pay a sum of Rs.25,000/- as maintenance to the respondent and minor child. The petitioner did not pay the said amount to the respondent. The respondent is not having any independent income and it is for the petitioner to maintain the respondent and minor child.

4. The petitioner filed counter affidavit and submitted that the respondent left the matrimonial home on her own volition and gave false complaint before the police in Singapore against the respondent. The respondent stated that for education of the minor child, a sum of Rs.2,00,000/- and for family expenses, a sum of Rs.50,000/- are being spent, which shows that the respondent is leading luxurious life. The petitioner is not working and is residing with his parents and is depending on the pension amount of his parents. The respondent is living in her own house and she is not spending any amount for the rent. Therefore, he prays for dismissal of the application.

5. The learned Judge considering the averments made in the affidavit, counter affidavit and materials on record, ordered Rs.7,500/- per month each to the respondent and minor child as interim maintenance on the ground that it is the duty of the petitioner to maintain the respondent and his minor child.

6. Against the order dated 22.12.2016 made in I.A.No.55 of 2016, the petitioner/husband has filed the present civil revision petition.

7. Heard the learned counsel for the petitioner and perused the materials available on record.

8. The contention of the learned counsel for the petitioner is that the petitioner is not having any work and is depending on the pension amount of his parents for his day-to-day life. This contention is devoid of merits. The respondent has stated that the petitioner is working in Singapore. The petitioner has not denied the said averment, but he stated that he is not having any work and is residing with his parents and is depending on their pension.

9. It is pertinent to note that the learned Judicial Magistrate No.II, Tanjore, by order dated 19.12.2014, has ordered payment of Rs.25,000/- as interim maintenance to the respondent and minor child. The petitioner has not paid the said amount. As the husband of the respondent and father of the minor child, it is the duty of the petitioner to maintain the respondent and minor child. In the circumstances, the interim maintenance awarded by the learned Judge is just and reasonable and there is no reason to modify the said order.

10. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

13.06.2017

Index : Yes/No

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To

The Subordinate Judge, Mannargudi.

V.M.VELUMANI, J.

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