

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.2015 of 2017
& C.M.P.No.9782 of 2017

G.Viveganandan

.. Petitioner

Vs.

S.Nandhini

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 04.11.2016 made in I.A.No.03 of 2015 in HMOP.No.81 of 2015 on the file of the Camp Subordinate Court, Mettupalayam.

For Petitioner : Ms.T.R.Gayathiri

for M/s.Saravabhauman Associates

ORDER

This Civil Revision Petition has been filed against the fair and decretal order dated 04.11.2016 made in I.A.No.03 of 2015 in H.M.O.P.No.81 of 2015 on the file of the Camp. Subordinate Court, Mettupalayam.

2. The petitioner/husband filed H.M.O.P.No.81 of 2015 on the file of II Additional Sub-Court, Coimbatore, for divorce against the respondent. The respondent filed counter statement on 30.10.2015 and is contesting the same. The respondent filed I.A.No.3 of 2015 claiming maintenance of Rs.8,000/- per month for herself and minor daughter and Rs.5,000/- towards litigation expenses.

3. According to respondent, petitioner is working as an L.I.C. Agent, he is earning Rs.30,000/- per month and he is neglecting respondent and minor child.

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4. The petitioner filed counter affidavit and denied that he is earning Rs.30,000/- per month. He submitted that he is working as L.I.C. agent and is earning Rs.15,000/- per month. The respondent

is working in a software company called M/s.Technoturf Info Services Private Limited, Coimbatore and is earning Rs.35,000/- per month and leading luxurious life.

5. Before the learned Judge, an employee of M/s. Technoturf Info Services Private Limited Company, Coimbatore, was examined as witness. He deposed that the respondent is not working in their company and also deposed that nobody in the name of respondent is working in their company.

6. The learned Judge after considering the averments made in the affidavit, counter affidavit and deposition of the employee/DW1, directed the petitioner to pay a sum of Rs.5,000/- per month as interim maintenance to the petitioner and minor child and a sum of Rs.5,000/- towards litigation expenses.

7. Against the order dated 04.11.2016 made in I.A.No.3 of 2015 in H.M.O.P.No.81 of 2015, the present civil revision petition is filed by the petitioner.

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

9. The respondent in the affidavit filed in support of I.A.No.3 of 2015 claiming maintenance, stated that the petitioner is earning Rs.30,000/- per month, but she did not produce any document to prove the said contention. The petitioner stated that respondent is working in M/s. Technoturf Info Services Private Limited Company, Coimbatore and is earning Rs.35,000/- per month. The employee of the said company was examined as D.W.1 and he deposed that no person by the name of the respondent is working in their company. The marriage between the petitioner and respondent is admitted. It is the duty of the husband to maintain his wife and children. In the present case, the respondent failed to prove that the petitioner is earning Rs.30,000/- per month, but the petitioner has admitted in the counter affidavit that he is working as an L.I.C. agent and is earning Rs.15,000/- per month. Accepting the said contention of the petitioner, the learned Judge has ordered Rs.5,000/- towards maintenance to the respondent and minor child and Rs.5,000/-

towards litigation expenses. The said amount is reasonable one. Taking into consideration of the present cost of living, there is no reason to set aside or modify the impugned order passed by the learned Judge.

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

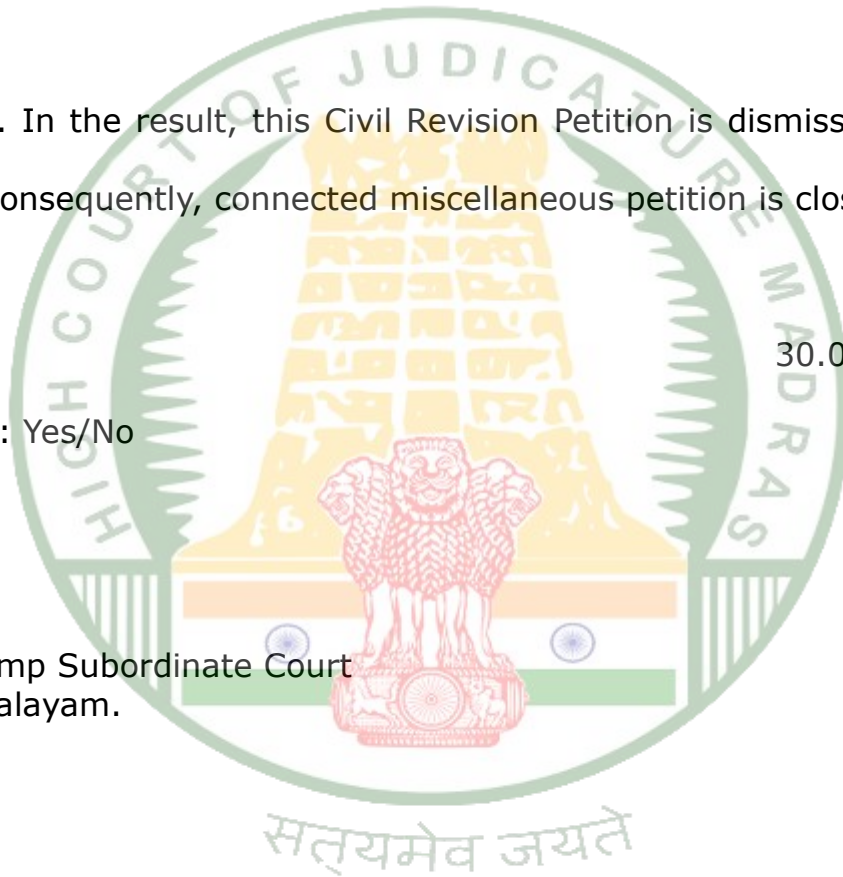
30.06.2017

Index : Yes/No

gsa/kj

To

The Camp Subordinate Court
Mettupalayam.



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V.M.VELUMANI, J.

gsa/kj



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