

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMAINAM

C.R.P.(P.D.) No.2286 of 2014
and
M.P.No.1 of 2014

Sulochanan

... Petitioner

Vs.

Krishnaveni

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the Fair and Final Order of the Subordinate Judge, Nagapattinam, in I.A.No.85 of 2013 in H.M.O.P.No.14 of 2013 dated 21.03.2014.

For Petitioner : Mr.S.Sounthar

For Respondent:Mr.T.Sai Krishnan

for M/s Sai Bharath & Ilan

ORDER

The Revision Petitioner filed H.M.O.P.No.14 of 2013, seeking dissolution of marriage, solemnized between the petitioner and the respondent and during the pendency of the matrimonial case, the respondent/wife filed an Application in I.A.No.85 of 2013, seeking interim maintenance and the trial Court considering the facts and circumstances of the case, granted Rs.5,000/- per month as interim maintenance to the respondent as well as to the minor child. Challenging the said order granting interim maintenance, the present Revision Petition has been filed.

2.The learned counsel appearing for the revision petitioner submitted that the revision petitioner is an Astrologer and not having sufficient income to pay the interim maintenance amount of Rs.5,000/- per month.

3.The learned counsel appearing for the respondent opposed the said contention by stating that the revision petitioner is an Astrologer, getting sufficient income and there is a child born out of the wedlock between the petitioner and the respondent. Further, the

respondent/wife is unemployed and not having any independent source of income and therefore, the respondent has to maintain a child and even the interim maintenance of Rs.5,000/- is not sufficient to meet out the expenses of the respondent and the minor child in the present day cost of living.

4.Thus, considering the rival contentions advanced by the learned counsel appearing on either side, this Court is of the view that when the Revision Petitioner filed the Petition for dissolution of marriage and when the respondent/wife is unemployed, the law requires that the husband should pay maintenance promptly and punctually. Further more, there is a minor child to be maintained, and it is the duty of the Revision Petitioner to maintain both the respondent and the minor child. The maintenance is a livelihood, which cannot be denied and therefore the trial Court is right in granting Rs.5,000/- as monthly maintenance, which cannot be construed as excessive. In the present day cost of living, Rs.5,000/- should be taken as a meagre amount and therefore this Court is of the opinion that the present Revision Petition filed by the petitioner is unnecessary.

5. Accordingly, the order passed in I.A.No.85 of 2013 in H.M.O.P.No.14 of 2013, is confirmed and the Civil Revision Petition is dismissed as devoid of merits. No costs. Consequently, connected Miscellaneous Petition is closed.

24.02.2017

rpa

To

The learned Subordinate Judge, Nagapattinam.

S.M.SUBRAMANIAM,J.

rpa

C.R.P.(P.D.) No. 2286 of 2014

24.02.2017

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