

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.(PD).No.33 of 2017
and
C.M.P.No.242 of 2017

K.Kumaravel

.. Petitioner

Vs.

K.Viveaga Bharathi

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order, dated 04.10.2016 in I.A.No.161 of 2016 in H.M.O.P.No.103 of 2014 on the file of the Subordinate Court, Tambaram.

For petitioner : Mr.S.Ramesh Kumar

For respondent : Mrs.R.Revathy

ORDER

The revision petition is directed against the order passed under Section 24 of the Hindu Marriage Act, wherein the husband has been directed to pay Rs.10,000/- p.m. as monthly maintenance to the wife and the child. The learned counsel appearing for the petitioner pointed out that in the affidavit filed by the respondent-wife in support of her claim, she has

admitted that she is earning a sum of Rs.1,20,000/- p.m. approximately and she is working for a software company. It is also stated that the child is only three years old. The contention of the petitioner is that when the wife is capable of taking care of herself and has got the wherewithal, she is not entitled to claim maintenance. However, the petitioner-husband has failed to consider that he should pay maintenance for the child and offered Rs.3,000/- p.m. However, considering the status of the parties and the school going child, the petitioner is directed to pay Rs.5,000/- p.m. (Rupees five thousand only) to the child as monthly maintenance. The petitioner is directed to pay the arrears if any, from the date of petition till today, within a period of six weeks from the date of receipt of a copy of this order. The monthly payment shall be paid on or before 5th of every month. The interim maintenance shall be paid in the form of Demand Draft directly to the respondent-wife, who is the mother of the minor child.

2. It is stated that the trial in the main proceedings has already commenced and the same may be completed as expeditiously as possible.

3. With the above observations and directions, the Civil Revision Petition is partly allowed. No costs. C.M.P. is closed.

11.01.2017

Copy to

The Subordinate Judge, Tambaram.

PUSHPA SATHYANARAYANA, J

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