

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-11-2017

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

**C.R.P. PD No.4434 of 2014
and M.P.No.1 of 2014**

E.Mithiran

...

Petitioners

Vs

A.Easwari

...

Respondents

Civil Revision Petition is filed under Article 227 of the Constitution of India against the order passed in I.A.No.308 of 2013 in HMOP No.96 of 2012 by the Subordinate Judge at Poonamallee dated 11.02.2014.

For Petitioner : Mr.P.Mohan Kumar
for Mr.A.Palaniappan

For Respondent : No appearance

ORDER

This Civil Revision Petition has been filed against the order passed in I.A.No.308 of 2013 in HMOP No.96 of 2012 by the Subordinate Judge at Poonamallee dated 11.02.2014.

2. The petitioner is the husband and the respondent is the wife in the HMOP No.96 of 2012 on the file of Subordinate Court,

Poonamallee. The petitioner filed HMOP against the respondent for divorce on the ground of cruelty and desertion. The respondent filed counter statement and is contesting the case. The respondent filed I.A.No.308 of 2013 for interim maintenance of Rs.7,500/- and litigation expenses of Rs.5,000/-. The petitioner opposed the said application by filing counter affidavit. The learned Judge, considering the averments in the affidavit and counter affidavit, ordered the application directing the petitioner to pay a sum of Rs.2,000/- per month towards interim maintenance from the date of the petition and Rs.5,000/- towards litigation expenses, to the respondent.

3. Against the said order dated 11.02.2014 made in I.A.No.308 of 2013 in HMOP No.96 of 2012, the present Civil Revision Petition is filed by the petitioner.

4. The learned counsel for the petitioner submitted that the petitioner is suffering from fits and taking regular treatment for the same. He is unemployed but the respondent is employed in a private company and is earning a regular income. The learned Judge failed to consider the same and ordered interim maintenance.

5. Heard the learned counsel for the petitioner and perused the materials available on record. Though the respondent entered appearance through counsel, there is no representation for the respondent.

6. The petitioner has not produced any document to substantiate his illness and the income of the respondent. The petitioner has stated that earlier he was working and earning a sum of Rs.8,000/- per month and subsequently he resigned his job due to the cruelty caused by the respondent. The marriage between the parties was admitted. It is the duty of the petitioner to maintain his wife. It is to be noted that the petitioner has admitted that he is maintaining his parents. The learned Judge, considering all the above facts has ordered only a sum of Rs.2,000/- per month towards interim maintenance and Rs.5,000/- towards litigation expenses. These amounts are not on the higher side. It is well settled that it is the duty of the husband to maintain his wife. In the said circumstances, there is no reason for this Court to interfere with the order impugned in this revision.

7. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

24.11.2017

Speaking/Non-speaking order

Index : Yes/No

rgr

To

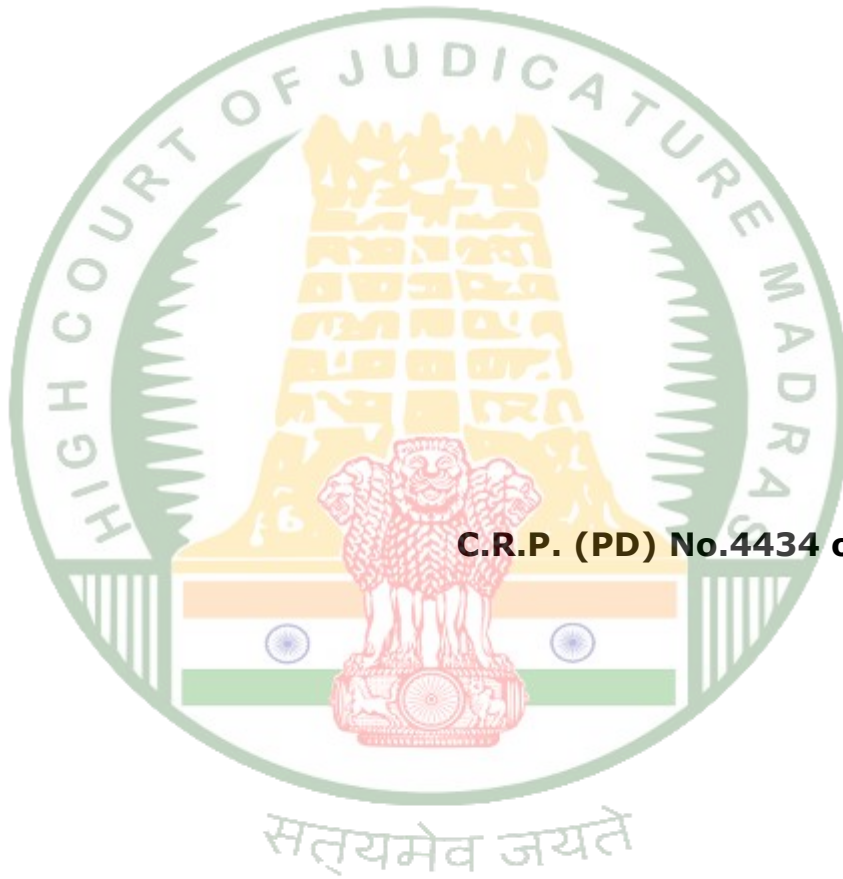
The Subordinate Judge,
Poonamallee.



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V.M.VELUMANI, J.

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24.11.2017