

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2017

CORAM

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

C.R.P.(PD)No.677 of 2017 &
CMP No.3417 of 2017

S.Karthik

... Petitioner

v.

O.R.Chitra

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, as against the impugned order passed by the Subordinate Judge, Tiruttani in I.A.No.8 of 2016 in HMOP No.4 of 2016 dated 3.1.2017 directing the petitioner to pay an interim maintenance of rs.7,500/- to the respondent herein until the date of disposal of the main HMOP.

For Petitioner : Mr.A.G.Rajan

ORDER

Challenging the order passed in I.A.No.8 of 2016 in HMOP No.4 of 2016 on the file of Subordinate Court, Tiruttani, the petitioner, who is the husband of the respondent, has filed the above Civil Revision Petition.

2. The petitioner filed the Original Petition in HMOP No.4 of 2016 for divorce under section 13(1)(i-a) of the Hindu Marriage Act. The respondent filed her counter and is contesting the Original petition. Thereafter, the respondent-wife filed an application in I.A.No.8 of 2016 under section 24 of the Hindu Marriage Act seeking a sum of Rs.10,000/- per month as interim maintenance, a sum of Rs.5,000/- per month for meeting out her court hearing expenses and another sum of Rs.10,000/- per year for cloths and other expenses.

3. In the affidavit filed in support of the application, the respondent has stated that the petitioner is earning sufficiently and that she is jobless therefore, the interim maintenance should be granted to her. The petitioner-husband filed his counter disputing the averments stated in the affidavit filed in support of the application. Further, he has stated that she left

the matrimonial home on her own and therefore, he need not pay any maintenance.

4. The Trial Court, taking into consideration the case of both the parties directed the petitioner-husband to pay a sum of Rs.7,500/- per month as interim maintenance to the respondent-wife till the disposal of the main Original Petition.

5. It is the bounden duty of the petitioner-husband to maintain the respondent-wife. The petitioner having married the respondent is bound to maintain the respondent-wife and cannot take a stand that the respondent-wife is not entitled to claim any maintenance from the petitioner. In these circumstances, Trial Court has rightly awarded a sum of Rs.7,500/- per month towards interim maintenance.

6. In these circumstances, I do not find any error or irregularity in the order passed by the Trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Since the Original Petition in HMOP No.4 of 2016 is pending for a long time, I direct the Subordinate Court, Tiruttani, to dispose of the Original Petition in HMOP No.4 of 2016 on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

With this observation, the Civil Revision Petition is disposed of. No costs.

07.03.2017

Index : No

Rj

To

The Subordinate Court
Tiruttani,

M. DURAISWAMY,J.,

Rj

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