

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.3139 of 2011
& M.P.No.1 of 2011

N.Bhaskaran

.. Petitioner

Vs.

B.Rukmani

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the judgment and order dated 02.06.2011 made in I.A.No.19 of 2011 in H.M.O.P.No.89 of 2009 on the file of the learned Principal Subordinate Judge, Chengalpet.

For Petitioner : Mr.P.Solomon Francis

For Respondent : Not ready in notice

ORDER

This Civil Revision Petition has been filed against the judgment and order dated 02.06.2011 made in I.A.No.19 of 2011 in H.M.O.P.No.89 of 2009 on the file of the learned Principal Subordinate Judge, Chengalpet.

2. The petitioner husband filed H.M.O.P.No.89 of 2009 against respondent wife on file of the Principal Subordinate Court, Chengalpet, on the ground of cruelty and adultery. The respondent filed counter statement on 23.03.2010 and is contesting the H.M.O.P. The respondent filed I.A.No.19 of 2011 under Section 24 of the Hindu Marriage Act, claiming an interim maintenance of Rs.10,000/-, annual festival expenses of Rs.20,000/- and a sum of 10,000/- towards litigation expenses.

3. According to the respondent the petitioner is doing building contract work in the name and style of JBR constructions and he is also owning 3 JCBs, a lorry and LNT heavy chain lorry and earning sum of Rs.50,000/- per month. The petitioner is not maintaining the respondent. The respondent is not having any independent income and she is depending on her parents. In the circumstances, she has filed application for claiming the above said amounts.

4. The petitioner filed counter affidavit and denied all the averments made by the respondent and made various allegations against the respondent. He denied that he is earning sum of

Rs.50,000/- by doing building contract work and submitted that he is working as a site supervisor and earning Rs.4,000/- per month. He further submitted that the two minor daughters are with the petitioner and he is only maintaining and educating them. In addition, to that he is also maintaining his parents. Therefore, prayed for dismissal of I.A.No.19 of 2011.

5. The learned Judge, considering the averments made in the affidavit and counter affidavit, partly allowed the I.A. filed by the respondent, directing the petitioner to pay a sum of Rs.3,000/- per month towards interim maintenance from the date of petition, till the disposal of H.M.O.P.No.89 of 2009 and held that the respondent is not entitled for the litigation expenses.

6. Against the said order dated 02.06.2011 made in I.A.No.19 of 2011, the present civil revision petition is filed by the petitioner.

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

8. From the materials available on record, it is seen that the

respondent claimed that the petitioner is doing building construction work in the name and style of JBR constructions and is earning a sum of Rs.50,000/- per month. On the other hand, the petitioner has stated that he is working as a site supervisor and earning a sum of Rs.4,000/- per month. Both the petitioner and respondent have not filed any documents to substantiate their claim.

9. The petitioner and respondent are husband and wife and the petitioner is liable to maintain his wife, the respondent herein. The learned Judge has ordered a sum of Rs.3000/- per month to the respondent as interim maintenance and rejected other claim of the respondent. Interim maintenance ordered by the learned Judge is a reasonable amount and is not excessive. The learned Judge has passed the above impugned order, after considering all the materials on record exercising his power conferred on him properly and there is no illegality or irregularity warranting interference by this Court with the order of the learned trial Judge, dated 02.06.2011.

10. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed. Since the H.M.O.P is of the year 2009, the learned Principal

Subordinate Judge, Chengalpet is directed to dispose of the H.M.O.P, as expeditiously as possible, in any event not later than three months from the date of receipt of a copy of this order.

08.08.2017

Index : Yes
dm/gsa

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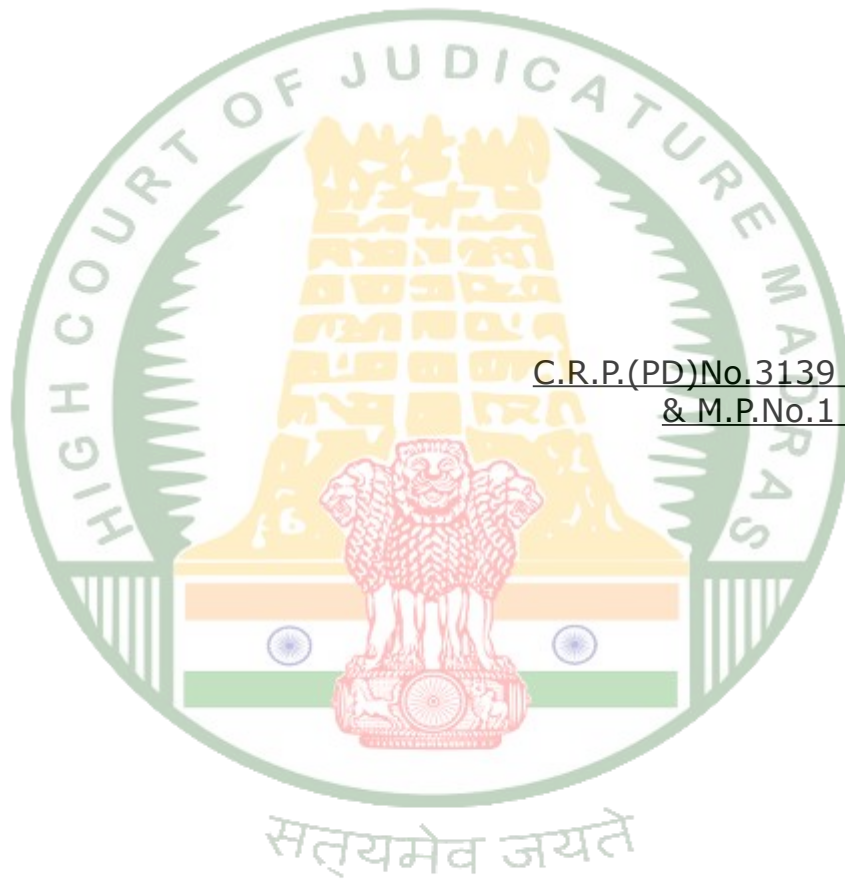
The Principal Subordinate Judge,
Chengalpet.



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V.M.VELUMANI, J.

dm



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