

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2017

CORAM

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI

CRP (PD) No.860 of 2017  
and CMP.No.4231 of 2017

D.Gopalakrishnan

.. Petitioner

Vs

S.Dhanalakshmi

..Respondent

Prayer:- Civil Revision Petition filed under Section 227 of the Constitution of India, to set aside the fair and decretal order 19.11.2015 made in I.A.No.347 of 2014 in HMOP.No.290 of 2012 on the file of the Subordinate Court, Poonamallee and to allow the Civil Revision Petition.

For Petitioner : Mr.C.Prabakaran

ORDER

The petitioner has filed this Civil Revision Petition to set aside the fair and decretal order dated 19.11.2015 made in I.A.No.347 of 2014 in HMOP.No.290 of 2012 on the file of the Subordinate Court, Poonamallee.

2. The petitioner-husband filed HMOP.No.290 of 2012 on the file of Subordinate Court, Poonamallee for annulment of marriage and to declare the marriage as null and void.

3. Thereafter, the wife filed I.A.No.347 of 2014 for interim maintenance of Rs.10,000/- and Rs.25,000/- towards litigation expenses to her. It is stated in the affidavit filed by the respondent-wife that she and her minor child were deserted by her husband and they are living with her parents since February 2011 . It is stated that the petitioner-husband is working in a private company and is earning Rs.25,000/- per month and also getting a rental income.

4. The petitioner-husband filed counter affidavit and denied the averments of the respondent-wife. He submitted that he is working in a private company as a Welder and he is earning only a sum of Rs.5,000/- per month, and he is willing to pay a sum of Rs.2,000/- as monthly interim maintenance to the respondent-wife. The petitioner has stated that he is maintaining his aged parents and he is willing to take care of his minor child. It is stated by the petitioner that the respondent is suffering from mental illness even before marriage and her parents have suppressed her illness and got her married to the petitioner. In the said circumstances, the petitioner has filed HMOP.No.290 of 2012 to declare the marriage that took place between the petitioner and respondent as null and void.

5. The learned Judge, considering the averments made in the affidavit, counter affidavit and on perusing the materials placed on record, directed the petitioner to pay a sum of Rs.5,000/- to the respondent as monthly interim maintenance till the disposal of HMOP and a sum of Rs.5,000/- as one time payment towards litigation expenses vide order dated 19.11.2015. Against the said order, the present Civil Revision Petition is filed.

6. Heard the learned counsel appearing for the petitioner and perused the records placed before this Court.

7. From the records, it is seen that the petitioner-husband has contended before the learned Judge that he is getting only a sum of Rs.5,000/- per month. But the petitioner has not produced any salary certificate to substantiate his case that he is earning only Rs.5,000/- as monthly salary. Even the petitioner-husband has not denied the contention of the respondent that he owns immovable property and getting a rental income out of it. The trial Court has not even ordered separate maintenance to the minor child, though it was pleaded by the petitioner that he would take care of his child. Hence, this Court is of the view that the order dated 19.11.2015 passed by the learned Sub Judge, Poonamalle directing the

petitioner to pay a sum of Rs.5,000/- towards monthly interim maintenance to the respondent till the disposal of HMOP and Rs.5,000/- as one time payment towards litigation expenses is reasonable and thus, this Court does not want to interfere in the order passed by the trial Court. There is no infirmity or illegality in the order passed by the trial Court.

8. In the result, this Civil Revision Petition is dismissed.  
No costs. Consequently, connected miscellaneous petition is closed.

27.04.2017

ds

Speaking order/Non-speaking order  
Index : Yes/No

To:

The Subordinate Court,  
Poonamallee.

V.M.VELUMANI,J

ds

CRP (PD) No.860 of 2017

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