

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.01.2017

Coram

The Honourable MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.PD.No.215 of 2015
and
M.P.No.1 of 2015

Sekar

... Petitioner

vs.

Vijayalakshmi

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 27.03.2014 passed by the learned Subordinate Judge, Mettur in I.A.No.40 of 2013 in HMOP No.37 of 2012.

For Petitioner : Mr.P.Valliappan

For Respondent : Mr.B.Manoharan

ORDER

The husband is the revision petitioner.

2. The revision petitioner/husband filed HMOP No.37 of 2012 before the learned Subordinate Judge, Mettur under Section 13(1)(ia)

of the Hindu Marriage Act, 1955 seeking divorce against the respondent/wife. Pending the said petition, the respondent/wife had filed I.A.No.40 of 2013, claiming maintenance in a sum of Rs.5,000/- per month and litigation expenses of Rs.10,000/-. The court below, however, directed the revision petitioner/husband to pay a sum of Rs.3,000/- per month as maintenance from the date of the petition till the disposal of the O.P and also awarded a sum of Rs.5,000/- towards the costs of the petition. Challenging the said order passed by the Court below, the petitioner/husband has filed the present revision.

3. Heard both sides and perused the records.

4. It was contended by the respondent/wife before the Court below that she is not capable of earning. Whereas, the revision petitioner/husband is working as a Lecturer in a College and is earning more than Rs.20,000/- per month. The mother of the revision petitioner is also employed in TANGEDCO. Besides this, the revision petitioner is also owning immovable properties. Though the revision petitioner/husband has contested before the Court below that as on the said date, he is unemployed and does not have an income of his own, it is the bounden duty of the husband to maintain his wife.

5. Admittedly, as on the date of filing of the original petition, the revision petitioner/husband has been employed in the College as a Lecturer and that has been proved by producing the Service Certificate of the revision petitioner/husband. It is also seen that the petitioner has tortured the respondent/wife by causing grievous injuries by stabbing her with the knife and on an earlier occasion by pouring kerosene and setting her ablaze. It is also stated by the respondent/wife that she is not capable of earning. Besides that, she has to take care of her medical expenses also due to the burns.

6. In these circumstances, the Court below has ordered Rs.3,000/- per month as maintenance from the date of the petition to till the date of the disposal of the main O.P. Though the litigation expenses, as prayed for by the respondent/wife has not been awarded by the Court below, nevertheless a sum of Rs.5,000/- has been awarded as cost in the said application. According to the respondent/wife till date the same has not been paid.

7. It is also a settled law that the wife has to be maintained on par with the status of the husband, however, the Court below has

awarded only a sum of Rs.3,000/- per month as an interim maintenance to the respondent/wife, which cannot be interfered at this stage. Accordingly, the same is confirmed. The revision petitioner/husband is directed to pay the sum of Rs.3,000/- [Rupees three thousand only] per month, to the respondent/wife, as ordered by the Court below, from the date of the petition, along with the arrears, if any, and continue to pay the same, till the date of disposal of the HMOP No.37 of 2012.

8. With the above direction, this Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

12.01.2017

vj2

Index: Yes/No

Internet: yes

To

The Subordinate Judge, Mettur

PUSHPA SATHYANARAYANA.J

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