

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2017

CORAM:

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

C.R.P.(PD)No.1818 of 2009  
& M.P.Nos.1 of 2009 & 1,2 of 2010

Aarti

.. Petitioner

Vs.

Hari Har Raj Kalingarayar

.. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order dated 19.12.2008 made in I.A.No.1505 of 2006 in O.P.No.1189 of 2006 on the file of the Principal Family Court, Chennai.

For Petitioner : M/S.Shah and Shah

ORDER

The Civil Revision Petition is filed against the order dated 19.12.2008 made in I.A.No.1505 of 2006 in O.P.No.1189 of 2006 on the file of the Principal Family Court, Chennai.

2. The petitioner is the wife and respondent is the husband. The respondent filed O.P.No.1189 of 2006 for dissolving the marriage conducted between the petitioner and respondent. The petitioner filed I.A.No.1505 of 2006 on the file of the Principal Family Court, Chennai, claiming interim maintenance of Rs.30,000/- per month for herself and for her children and a sum of Rs.7,500/- towards litigation expenses. Earlier, the learned Principal Judge, granted a sum of Rs.10,000/- towards interim maintenance to the petitioner and Rs.1,500/- to each of the children and a sum of Rs.5,000/- towards litigation expenses. Against the said order of interim maintenance, respondent filed C.R.P.(PD)Nos.2621 and 3541 of 2007 before this Court to set aside the award of interim maintenance. This Court by order dated 17.07.2008 confirmed the interim maintenance granted to the minor children and litigation expenses and set aside the interim maintenance granted to the petitioner and remanded the matter to the Principal Family Court, Chennai, to decide the issue afresh. After remand, the petitioner marked additional documents as Exs.P18 to P22 and respondent marked additional documents as Exs.R4 to R6.

3. The learned Judge considering all the materials on record and taking into consideration that the petitioner got employment in Jet Airways and she is earning monthly salary of Rs.20,000/- from 01.04.2008, granted interim maintenance of Rs.5,000/- per month to the petitioner from the date of filing of the said petition viz., 04.07.2006 to 31.03.2008.

4. Not being satisfied with the said interim maintenance, the petitioner has come out with the present Civil Revision Petition.

5. According to the learned counsel for the petitioner, the respondent is earning income from family business as well as acting in films and television serials. The learned Judge failed to take into consideration that the respondent is acting in films and television serials and he will get amounts in cash. The respondent has offered to admit the minor children in Lawrence School, Lovedale, Ooty and the expenses will be more than Rs.1,50,000/- for each child per year. The petitioner is in a temporary job and therefore, she requires Rs.38,500/- per month for her maintenance in consonance with the status of the respondent.

6. Heard the learned counsel for the petitioner and perused the materials available on record. There is no representation on behalf of the respondent.

7. The learned counsel for the petitioner contended that the petitioner requires Rs.38,500/- per month for interim maintenance in consonance with the status of the respondent. The petitioner has not stated the total income of the respondent that he is earning. In the additional typed set of papers, she filed certificate of the respondent, which shows that his monthly salary is only Rs.7,000/-. The petitioner has not substantiated her contention that the respondent is receiving income in cash for acting in films and television serials. The petitioner has filed her appointment order, which shows that she is earning Rs.20,000/- per month from 01.04.2008. The learned Judge considering all these materials in entirety has awarded interim maintenance of Rs.5,000/- to the petitioner from the date of filing the petition i.e., 04.07.2006 till 31.03.2008, as she got appointment in Jet airways on 01.04.2008. There is no irregularity or illegality warranting interference with the order of the learned Judge dated 19.12.2008 made in I.A.No.1505

of 2006.

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

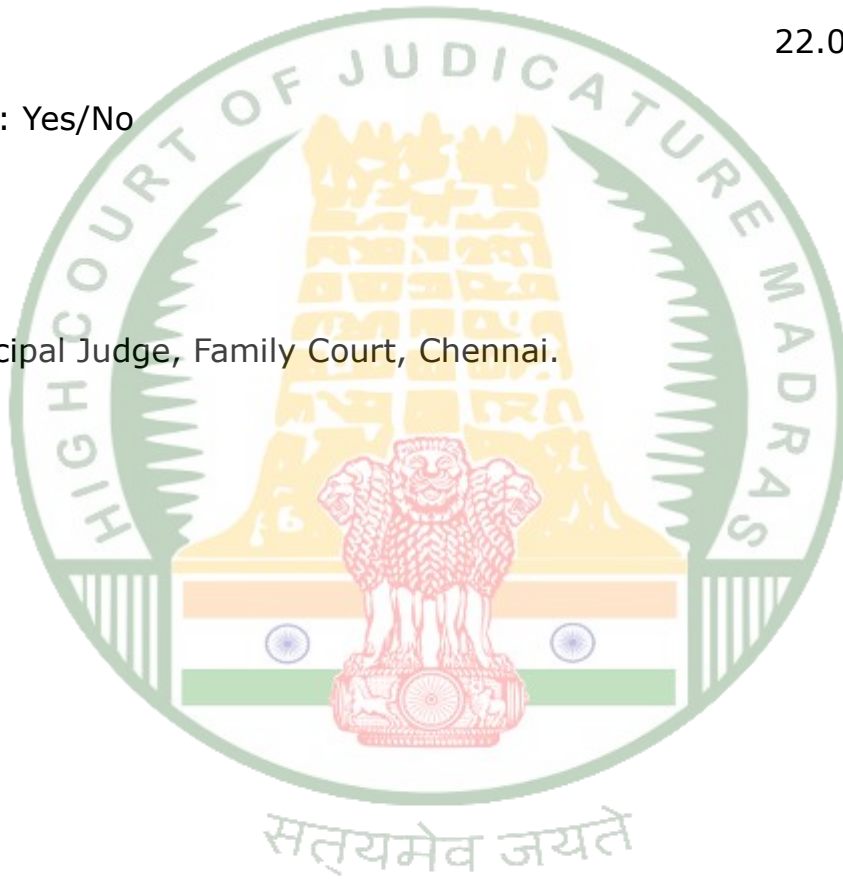
22.09.2017

Index : Yes/No

kj

To

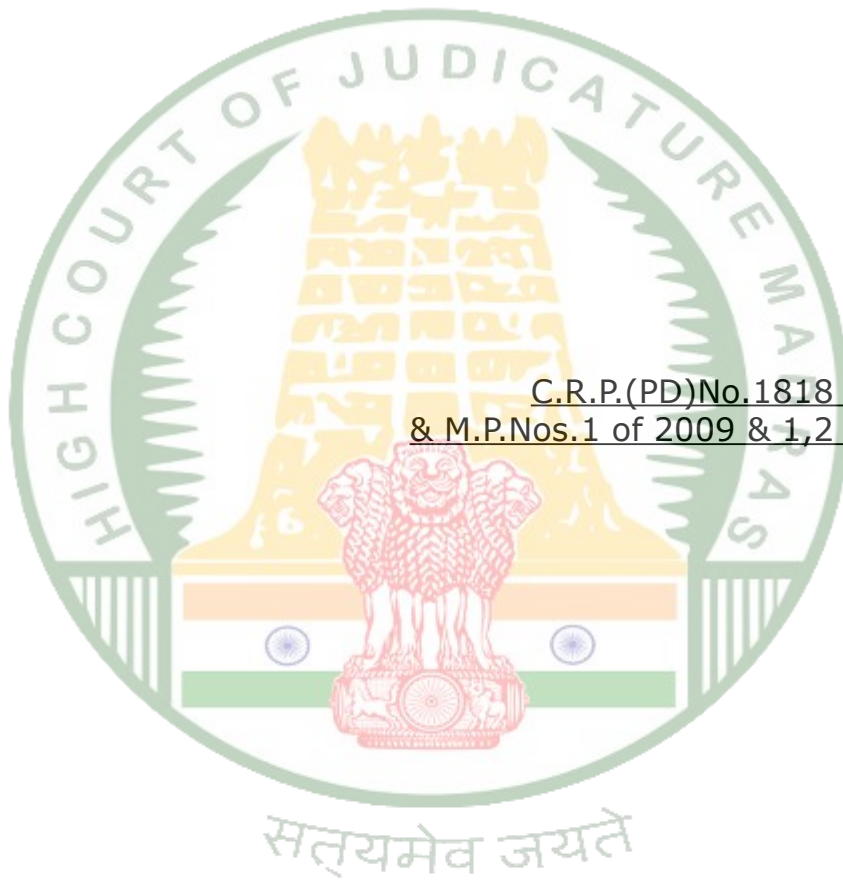
The Principal Judge, Family Court, Chennai.



WEB COPY

**V.M.VELUMANI, J.**

kj



C.R.P.(PD)No.1818 of 2009  
& M.P.Nos.1 of 2009 & 1,2 of 2010

22.09.2017

WEB COPY