

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2017

CORAM

THE HON'BLE MS.JUSTICE V.M.VELUMANI

C.R.P.(NPD)No.1997 of 2012
and M.P.No.1 of 2012

M.Balasubramanian .. Petitioner

Vs

P.Arunadevi .. Respondent

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 28.03.2012 made in I.A.No.22 of 2011 in H.M.O.P.No.76 of 2009 on the file of the Principal Sub-Court, Thiruvannamalai.

For Petitioner : Mr.N.Manokaran

ORDER

This Civil Revision Petition has been filed against the fair and decretal order dated 28.03.2012 made in I.A.No.22 of 2011 in H.M.O.P.No.76 of 2009 on the file of the Principal Sub-Court, Thiruvannamalai.

2. The petitioner/husband is the petitioner and respondent/wife is the respondent in H.M.O.P.No.76 of 2009. The petitioner filed the said H.M.O.P. for divorce on the file of the Principal Subordinate Court, Thiruvannamalai, on the ground of cruelty and desertion. In H.M.O.P., the respondent filed I.A.No.22 of 2011 for interim maintenance of Rs.10,000/- per month for herself and her minor child and a sum of Rs.5,000/- towards litigation expenses.

3. According to the respondent, the petitioner is a Government Servant and he is earning more than Rs.20,000/- per month. The petitioner is not maintaining the respondent and minor child. The respondent is not having any independent income and she is maintaining herself with the financial support given by her brother and other members of her family.

4. The respondent filed counter affidavit denying the averments made in the affidavit and submitted that he is not earning Rs.20,000/- per month and he is working as Assistant Agriculture Officer (AAO) in Government of Tamil Nadu, drawing a salary of Rs.16,971/- per month and his take home salary is only Rs.12,338/-.

5. Before the learned Judge, the respondent examined herself as P.W.1 and no document was marked. The petitioner examined himself as R.W.1 and marked one document as Ex.R1.

6. The learned Judge considering the averments made in the affidavit, counter affidavit and materials on record, directed the petitioner to pay a sum of Rs.2,000/- to the respondent and her minor child and a sum of Rs.2,500/- towards litigation expenses.

7. Against the order dated 28.03.2012 made in I.A.No.22 of 2011, the present civil revision petition is filed by the petitioner/husband.

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

9. The learned counsel appearing for the petitioner submitted that the respondent is working as a Teacher in Sri VDS Jain Higher Secondary School, Thiruvannamalai and earning a sum of Rs.3,300/- per month and the petitioner has also filed a document to prove the same. In view of the earning, the respondent is not entitled to any

interim maintenance. The said contention has no merits.

10. From the records, it is seen that the petitioner has filed salary certificate of the respondent, but he did not file his salary certificate. From Ex.R1/salary certificate of the respondent, it is seen that the respondent is earning only a sum of Rs.3,300/- per month from 01.06.2011. In the counter affidavit, the petitioner has admitted that he is earning a sum of Rs.16,971/-.

11. The learned Judge considering the salary of Rs.3,300/- received by the respondent held that it is not sufficient to maintain herself & her minor child, directed the petitioner to pay a sum of Rs.2,000/- per month towards interim maintenance to the respondent & her minor child and a sum of Rs.2,500/- towards litigation expenses. This amount is not excessive and it is the duty of the husband to maintain his wife and children. In the circumstances, the order passed by the learned Judge does not warrant any interference.

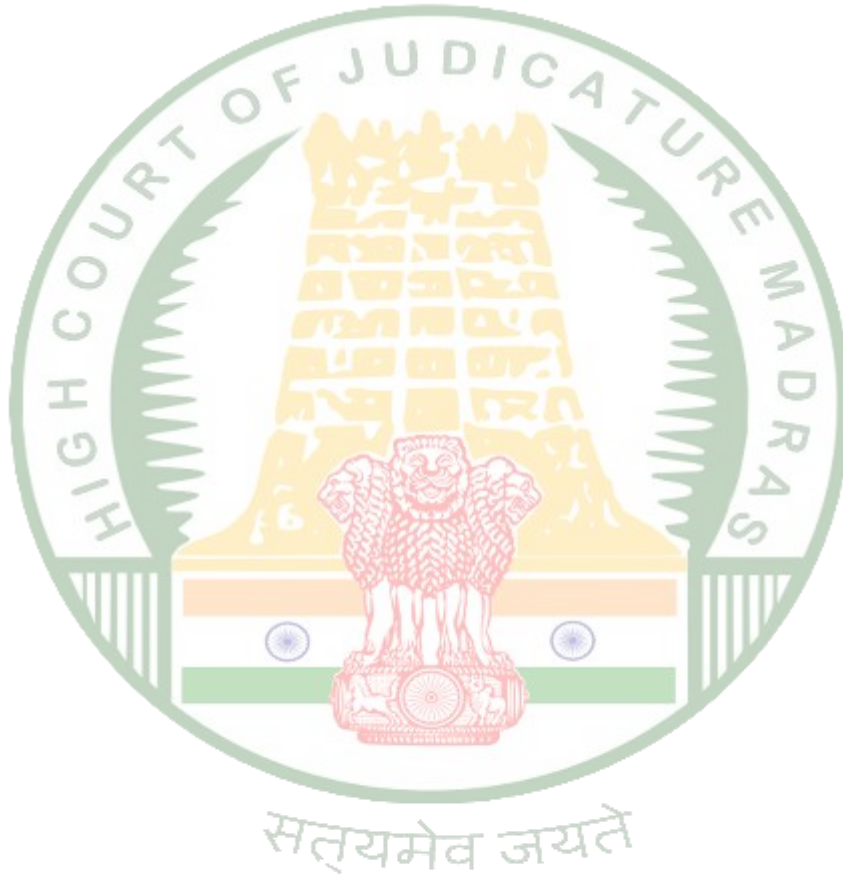
12. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

02.08.2017

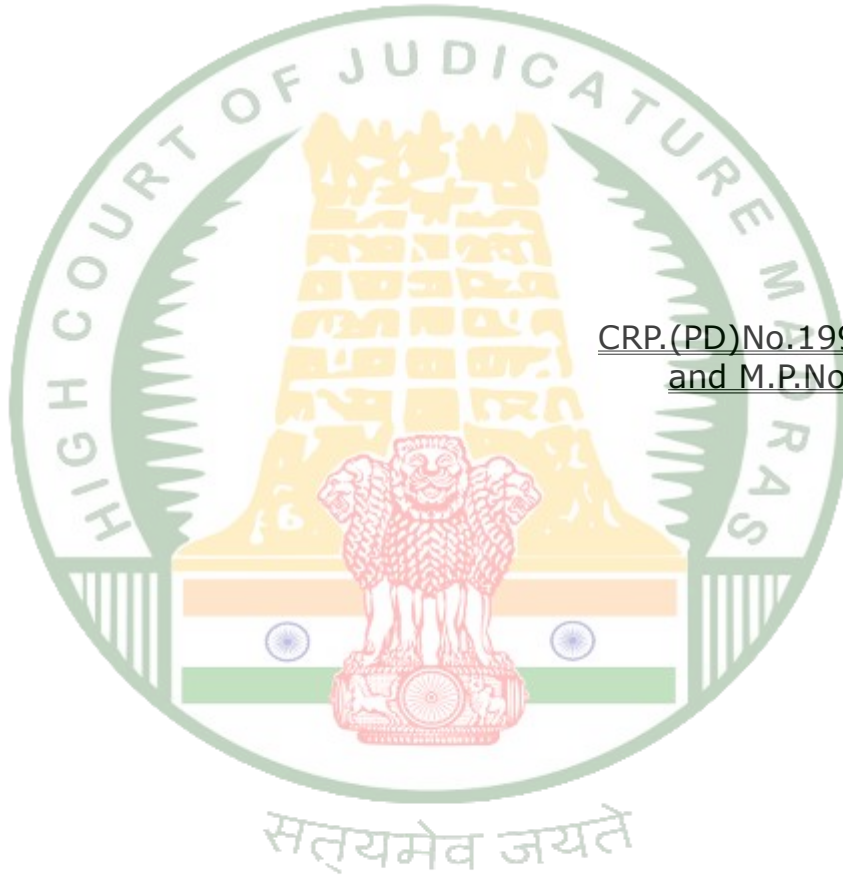
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To

The Principal Subordinate Judge
Thiruvannamalai.



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