

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD).No.3373 of 2010

Sumathy .. Petitioner

Vs.

Damodharan .. Respondent

PRAYER : The Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 05.03.2010 made in I.A.No.121 of 2009 in F.C.O.P.No.205 of 1989 praying for an enhancement of maintenance amount from Rs.700/- to Rs.10,000/- per month on the file of the Principal Family Judge, Chennai.

For Petitioner : Mr.M.Saravanakumar

For Respondent : M/s.M.Christella

ORDER

This civil revision petition is filed against the fair and decretal order dated 05.03.2010 made in I.A.No.121 of 2009 in F.C.O.P.No.205 of 1989 praying for an enhancement of maintenance amount from Rs.700/- to Rs.10,000/- per month on the file of the Principal Family Judge, Chennai.

2. The petitioner is wife, respondent is the husband. The respondent has filed F.C.O.P.No.205 of 1989 on the file of Principal Family Court, Chennai, for divorce against the petitioner. The

petitioner has filed I.A.No.121 of 2009 in F.C.O.P.No.205 of 1989 for enhancement of the interim maintenance from Rs.700/- per month to Rs.10,000/- per month. The sum of Rs.700/- per month was ordered as interim maintenance on 01.01.1996. The petitioner has filed the present I.A.No.121 of 2009 for enhancement of interim maintenance from Rs.700/- to Rs.10,000/- due to escalation cost of living. According to the petitioner, the respondent is working as Office Superintendent in SIPCOT and is getting Rs.16,000/- per month and also getting Rs.34,000/- per month as rental income.

3. The respondent has filed the counter affidavit on 07.10.2009 and denied the allegations made by the petitioner and he submitted that after deduction of EMI towards loan, he is paid only Rs.5,000/- to Rs.6,000/- per month as salary. The rental income is only received by his mother and he is denying that the rental income is Rs.34,000/- per month. The Rental income received by his mother is not enough to meet her medical expenses. He further submitted that the petitioner is running a shop under Women's Self-Help group and lending money for interest and prayed for dismissal of the application.

4.The Learned Judge, considering the fact that the interim maintenance of Rs.700/- was awarded on 01.01.1996, modified the

interim maintenance and enhanced the same to Rs.2,000/-. Not being satisfied with the amount, the petitioner has come out with the present Civil Revision Petition.

5.From the order of the learned Judge, it is seen that both the petitioner and respondent have not filed any document to substantiate their contentions with regard to the income of other parties. The learned Judge, considering the escalation of cost of living and contention of the respondent, enhanced interim maintenance of Rs.700/- per month to Rs.2000/- per month. The interim maintenance of Rs.2000/- granted on 05.03.2010, is reasonable and there is no reason to interfere with the said order.

6.In the result, the Civil Revision is dismissed. No costs.

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Index:Yes/No
mfa/gsa

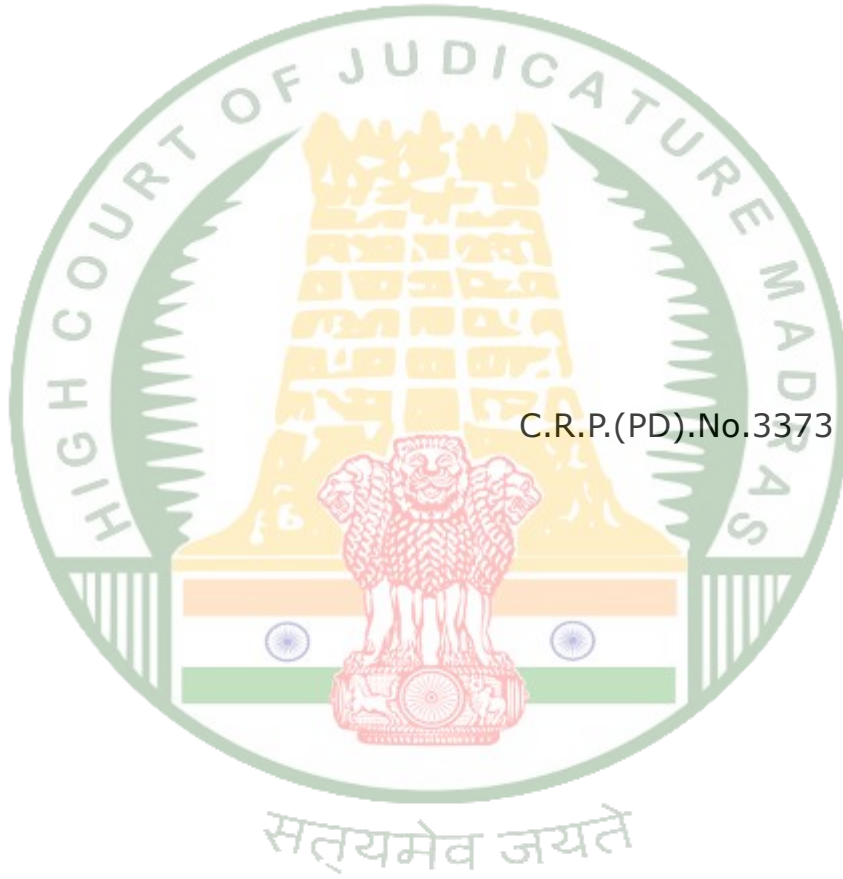
To

The Principal Family Judge,
Chennai.

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V.M.VELUMANI,J.

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