

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2017

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD).No.3202 of 2016
and C.M.P.No.16246 of 2016

B.Saravanakumar

... Petitioner

Vs.

Sindhuja

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order passed by the learned Subordinate Judge, Vellore dated 06.07.2016 in I.A.No.57 of 2014 in H.M.O.P No.54 of 2013.

For Petitioner : Ms.K.Santhakumari

For Respondent : Mr.K.Mohanamurali

ORDER

Heard both sides.

2.Challenging the fair and final order passed in I.A.No.57 of 2014 in H.M.O.P.No.54 of 2013 on the file of the Subordinate Court, Vellore, the petitioner, who is the husband of the respondent, has filed the above Civil Revision Petition.

3.The petitioner filed the Original Petition in H.M.O.P.No.54 of 2013 for divorce on the ground of cruelty. The respondent wife filed her counter and is contesting the Original Petition.

4.In the Original Petition, the respondent took out an application in I.A.No.57 of 2014 under Section 24 of the Hindu Marriage Act, seeking for interim maintenance of Rs.25,000/- and a sum of Rs.50,000/- towards litigation expenses.

5.Admittedly, the petitioner is a Doctor by profession. According to the respondent wife, the petitioner is earning more than Rs.1,00,000/- per month and is also earning from his Clinic.

6.The petitioner filed his counter disputing averments stated in the affidavit filed in support of the petition. The Trial Court, taking into consideration the case of both parties, awarded a sum of Rs.10,000/- per month towards the interim maintenance and a sum of Rs.10,000/- towards litigation expenses.

7.The respondent/wife is not employed and therefore, the Trial Court, taking into consideration the income of the petitioner/husband, awarded a sum of Rs.10,000/- per month towards interim maintenance.

8.Taking into consideration the present days cost of living, the award of Rs.10,000/- per month towards the interim maintenance is just and proper. It is needless to say that the petitioner/husband is bound to maintain the respondent/wife. The award of Rs.10,000/- is very reasonable and I do not find any reason to interfere with the order passed by the Trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed.

9.Since the Original Petition is pending from 2013, I direct the Subordinate Judge, Vellore, to dispose of the Original Petition of H.M.O.P.No.54 of 2013, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Index : No
Internet : Yes
Gsa

24.03.2017

M. DURAISWAMY,J.
Gsa

To

The Subordinate Judge,
Vellore.

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