

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **26.04.2017**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.2695 of 2013 and
M.P.No.1 of 2013

S.Ganesan

...Petitioner

versus

Manjula

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the decretal and fair order dated 12.02.2013 in I.A.No.92 of 2009 in HMOP No.189 of 2008 by the learned Subordinate Judge, Poonamallee.

For Petitioner : Mr.Srinivasan

For Respondent : No appearance

ORDER

This Civil Revision Petition is directed against the order dated 12 February, 2013 in I.A.No.92 of 2009 in HMOP No.189 of 2008, directing the petitioner to pay maintenance at the rate of Rs.750/- per month to the respondent and Rs.500/- each to the children. The order is under challenge on the ground that the learned Subordinate Judge failed to

take into account the income of the petitioner.

2. Heard the learned counsel for the petitioner. None appeared on behalf of the respondent.

3. The learned Trial Judge granted interim maintenance to the respondent, notwithstanding the fact that there was no document to arrive at a finding with regard to the income of the petitioner. The petitioner contended that he was working as a Coolie and was not earning sufficient income to pay maintenance.

4. The factual matrix indicates that the original petition is still pending before the learned Subordinate Judge, Poonamallee. After hearing the learned counsel for the petitioner and taking into account the background facts, I have directed the petitioner to file an affidavit to the effect that he would pay a lumpsum amount of Rs.50,000/- to the respondent.

5. The petitioner, in the affidavit dated 26 April, 2017 agreed to deposit a sum of Rs.50,000/- towards interim maintenance on the credit of HMOP No.189 of 2008 on the file of Sub-Ordinate Court,

Poonamallee. The affidavit is taken on record.

6. There shall be a direction to the petitioner to deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) on the credit of HMOP No.189 of 2008, within a period of one week from the date of receipt of a copy of this order. The respondent is permitted to withdraw the said amount without furnishing security.

7. The learned Sub-ordinate Judge, Poonamallee, is directed to dispose of the matrimonial proceedings, as expeditiously as possible and in any case, within a period of five months from the date of receipt of a copy of this order.

8. The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

26.04.2017

Index:Yes/No
svki

To

The Subordinate Court,
Poonamallee

K.K.SASIDHARAN, J.

(svki)

C.R.P.(P.D.) No.2695 of 2013

26.04.2017