

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.4590 of 2013
& M.P.No.1 of 2013

G.Dhanapal

.. Petitioner

Vs.

Minor Swasika

.. Respondent

(Represented by guardian and mother
Revathi)

PRAYER: Civil Revision Petition filed under Article 227 of the
Constitution of India, against the fair and decretal order dated
25.09.2013 passed in I.A.No.95 of 2013 in H.M.O.P.No.160 of 2012
on the file of the Subordinate Court, Mettur.

For Petitioner : Mr.M.Tamil Thendral Arasu
for Mr.P.Mani

ORDER

The Civil Revision Petition is filed against the fair and decretal order dated 25.09.2013 made in I.A.No.95 of 2013 in H.M.O.P.No.160 of 2012 on the file of the Subordinate Court, Mettur.

2. The petitioner is the husband and respondent is the wife. The respondent filed H.M.O.P.No.6 of 2012 on the file of the Subordinate Court, Harur, for dissolution of marriage. In the H.M.O.P., the respondent filed I.A.No.13 of 2012 for claiming a sum of Rs.8,000/- as interim maintenance from the petitioner, for her minor daughter. Subsequently, H.M.O.P.No.6 of 2012 and I.A.No.13 of 2012 were transferred to the Subordinate Court, Mettur and re-numbered as H.M.O.P.No.160 of 2012 and I.A.No.95 of 2013 respectively.

3. According to the respondent, petitioner is doing business and agricultural activities. He is also doing part time employment and thereby, he is earning Rs.30,000/- per month. The respondent requires Rs.8,000/- per month for maintenance of her minor daughter. The petitioner is not maintaining the respondent and the

minor child.

4. The petitioner filed counter affidavit and denied that he is earning Rs.30,000/- per month. The respondent is working as Assistant Head Master in Jeeva Velu Matriculation School, Mathur, Thiruvannamalai. She is also working as a Warden in a hostel attached to that school and thereby, she is earning Rs.30,000/- per month. The petitioner is not allowed to visit the minor child. The petitioner is willing to live with respondent and look after the minor child.

5. The learned Judge, considering all the averments made in the affidavit and counter affidavit, allowed the application directing the petitioner to pay a sum of Rs.2,000/- as interim maintenance to the minor child from the date of petition.

6. Against the said order dated 25.09.2013 made in I.A.No.95 of 2013, the present Civil Revision Petition is filed by the petitioner/husband.

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

8. It is not in dispute that the minor child is the daughter of the petitioner. The petitioner has stated in the counter affidavit that he wants to look after the minor child with full love and affection, but the respondent is not allowing the petitioner to visit the minor child. The petitioner as a father is bound to maintain his minor daughter. The respondent has not proved that the petitioner is earning Rs.30,000/- per month. Similarly, the petitioner has also not proved that the respondent is earning Rs.30,000/- per month. The respondent is not claiming any maintenance for herself and she is claiming maintenance only for her minor child.

9. The learned Judge has directed the petitioner to pay a sum of Rs.2,000/- for the maintenance of minor daughter. The contention of the learned counsel for the petitioner that the amount ordered by the learned Judge is on higher side, is without merits. In my opinion, a sum of Rs.2,000/- per month awarded by the learned Judge is proper and reasonable amount. In the circumstances, there is no illegality or irregularity warranting interference by this Court with the order of the learned trial Judge, dated 25.09.2013.

10. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

23.11.2017

Index : Yes/No

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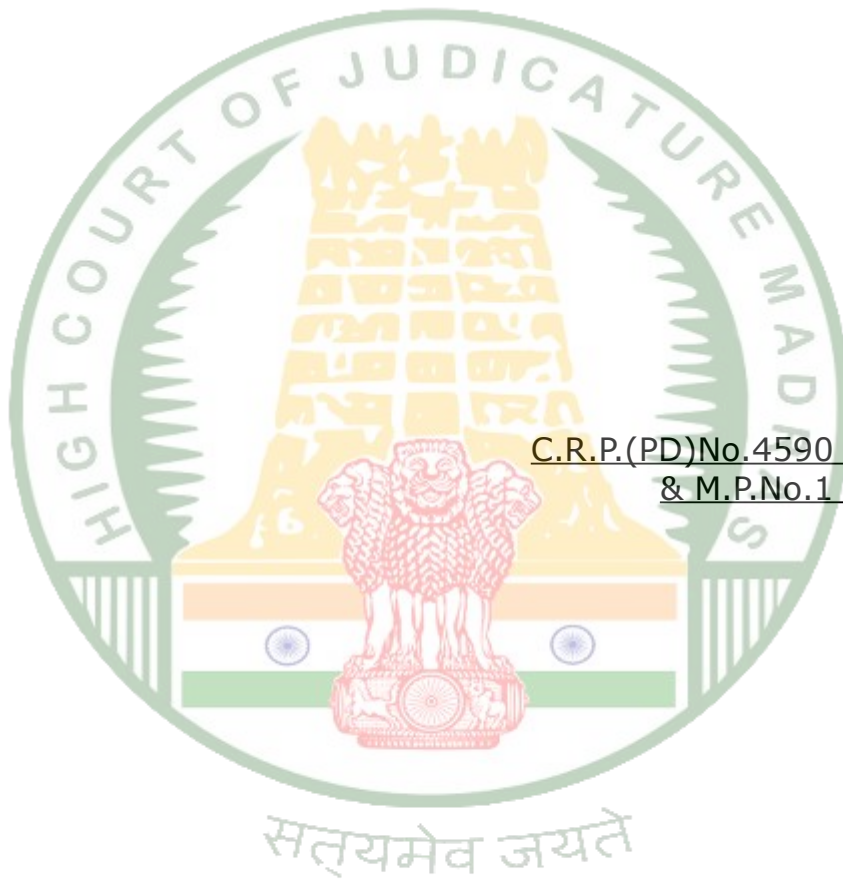
The Principal Subordinate Judge
Mettur.



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V.M.VELUMANI, J.

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