

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.03.2017

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

**CRP(PD)No.4766 of 2013
and
M.P.No.1 of 2013**

K.Prakash

.. Petitioner

Vs.

Indira Priyadharshini

.. Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Order passed in I.A.No.39 of 2010 in HMOP.No.141 of 2009, dated 25.11.2013, on the file of the IIInd Additional Subordinate Court, Villupuram.

For Petitioner : Mr.P.Anbazhagan

For Respondent : Mr.J.Antony Jesus

ORDER

This Civil Revision petition is directed against the Fair and Decreetal Order, dated 20.12.2013 made in I.A.No.39 of 2010 in HMOP.NO.141 of 2009, on the file of the II Additional Subordinate Judge, Villupuram.

2.The revision petitioner has filed the above HMOP.No.141 of 2009 under Section 13(i)(ia) of the Hindu Marriage Act 1955, seeking for dissolution of his marriage with the respondent.

3.In the said application the respondent / wife has filed a petition seeking for interim alimony and the other expenses in I.A.No.39 of 2010. The learned trial judge on appraisal of the available records allowed the respondent's application by directing the petitioner to pay a sum of Rs.12,000/- as interim alimony. The said Order is under challenge in this civil revision petition.

4.I heard Mr.P.Anbazhagan, learned counsel for the petitioner and Mr.J.Antony Jesus, learned counsel for the respondent and perused the entire materials available on record.

5.It is case of the respondent / wife that the revision petitioner despite possessing sufficient means and source of income but has failed to maintain her, accordingly she prayed for Interim maintenance.

6.According to the respondent, the revision petitioner is doing

private contract business and also involved in construction work business, besides earning income of Rs.20,000/- as rent from his property. That apart the revision petitioner also serves as Managing Director of a firm. Whereas the as revision petitioner failed to maintain the respondent, hence she has filed the above application seeking interim maintenance.

7.It is seen that the said application is defended by the revision petitioner contending that the property mentioned by the respondent belong to his mother and it is his further case that he do not have any contract business or get monthly rent of Rs.20,000/- as alleged by the respondent. It is his case that the respondent is employed in a private concern yielding sufficient income to maintain her.

8.It is needless to say that the respondent's application is liable to be disposed summary in nature as it was meant for an Interim relief. It is further seen that the respondent has adduced oral and documentary evidence in line with her averment.

9.At this juncture, it is seen that despite sufficient opportunities given to the revision petitioner, he neither adduced evidence nor

produced documents to show that the respondent possess sufficient means. Consequently the evidence on the side of the respondent is found closed by the Trial Court and the impugned order is passed.

10.It is unneeded to say that the quantum arrived by the Trial Court over the interim maintenance at Rs.12,000/- is just and fair and not exorbitant or excessive.

11.The revision petitioner having failed to adduce evidence, despite filing a counter cannot be allowed to argue in air by contending that the respondent possess sufficient means to maintain herself.

12.Considering the monetary requirement to face the basic needs of a woman to lead a decent life, I am of the considered opinion that the order passed by the Trial Court directing the revision petitioner to pay as sum of Rs.12,000/- as monthly maintenance is just, proper and reasonable and therefore it needs no interference by this Court.

13.In the result, this civil revision petition is dismissed by confirming the order passed in I.A.No.39 of 2010 in HMOP.No.141 of

2009, dated 20.12.2013, on the file of the learned II Additional Subordinate Judge, Villupuram. No costs. Consequently, connected miscellaneous petition is closed.

17.03.2017

vs

Note: Issue order copy on 18.02.2019

Index:Yes

Internet:Yes

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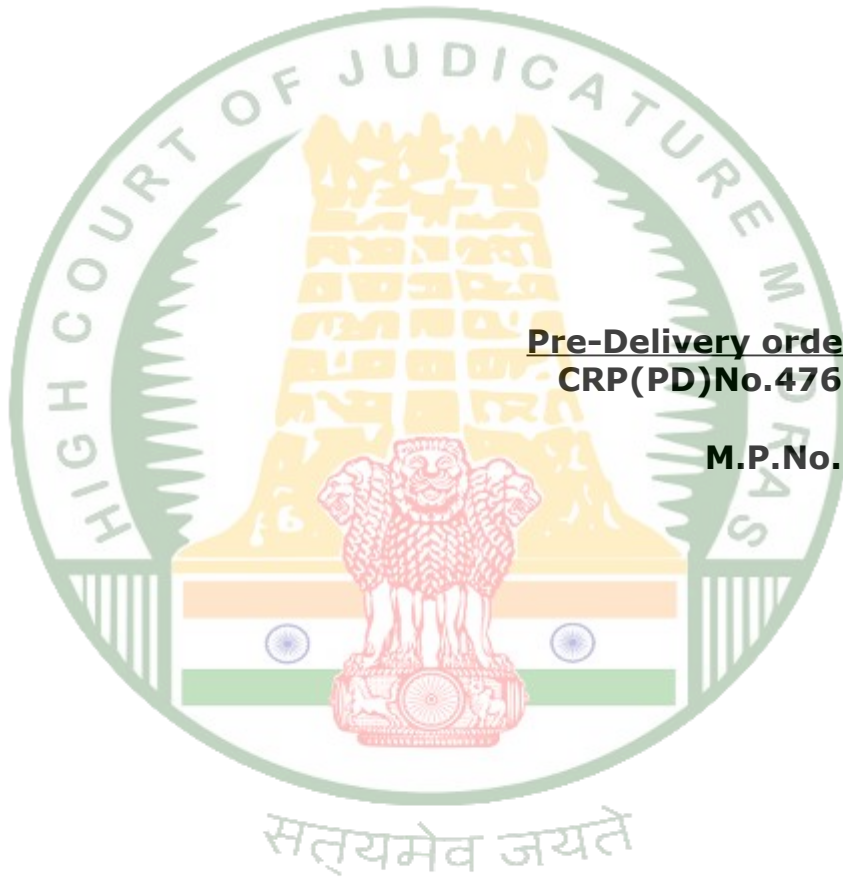
The IIInd Additional Subordinate Court,
Villupuram.



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M.V.MURALIDARAN, J.

VS



Pre-Delivery order made in
CRP(PD)No.4766 of 2013
and
M.P.No.1 of 2013

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