

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.3779 of 2012
& M.P.No.1 of 2012

R.Nandhakumar @ Ramesh .. Petitioner

Vs.

Jayalalitha .. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 29.11.2011 made in I.A.No.3029 of 2011 in O.P.No.17 of 2010, passed by the learned I Additional Family Court, Chennai.

For Petitioner : Mrs.B.Jayanthi

For Respondent : Mr.B.N.Chandrasekar

ORDER

This Civil Revision Petition is filed to set aside the order dated 29.11.2011 made in I.A.No.3029 of 2011 in O.P.No.17 of 2010, passed by the learned I Additional Family Court, Chennai.

2.The petitioner husband filed the O.P.No.17 of 2010 on the file of the I Additional Family Court, Chennai, for divorce on the

ground of cruelty against the respondent wife. In the O.P, the respondent filed I.A.No.3029 of 2011 for interim maintenance of Rs.4,000/- per month for herself; Rs.1,500/- per month to each of the two children and Rs.5,000/- towards litigation expenses. According to the respondent, she is house wife and she is not getting any independent income. She is depending on her brother for maintaining herself and two children. The petitioner is employed in a private sector and is getting Rs.15,000/- per month as salary; Rs.3,000/- as rental income and Rs.10,000/- as interest from the bank.

3.The petitioner filed counter affidavit and denied that he is earning Rs.15,000/- per month, as contended by the respondent. According to him, he is earning Rs.9,000/- per month and drawing interest of Rs.650/- from the bank for the deposit of Rs.1,00,000/-. He is not getting any rental income as the respondent is occupying the house owned by the petitioner.

4.Before the learned Judge, both the petitioner and respondent have not filed any documents to substantiate their claim with regard to the income of the petitioner.

5.The learned Judge, considering the affidavit, counter affidavit and the fact that the respondent is wife of the petitioner and two children are born to them, awarded a sum of Rs.2,000/- per month to the respondent and Rs.1000/- per month to each of the children payable by the petitioner and directed the petitioner to pay a sum of Rs.5,000/- towards litigation expenses.

6.Against the said order dated 29.11.2011, made in I.A.No.3029 of 2011 in O.P.No.17 of 2010, the present Civil Revision petition is filed by the petitioner.

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

8.It is not in dispute that petitioner and respondent are husband and wife and that two children are born to them. The respondent submitted that petitioner is getting a sum of Rs.15,000/- as salary; Rs.3,000/- as rental income and Rs.10,000/- as interest from the bank deposit. The petitioner filed counter affidavit and stated that he is getting only Rs.9,000/- as salary and Rs.650/- as interest from bank. Both the parties have not produced any document to substantiate their claim.

9.The petitioner has not produced any document to show that he is working in a private sector and is earning Rs.9,000/- per month and Rs.650/- as interest from the bank. Hence, the interim maintenance ordered by the learned Judge is reasonable and not excessive. There is no irregularity or illegality warranting interference by this Court with the order of the learned Judge dated 29.11.2011, made in I.A.No.3029 of 2011 in O.P.No.17 of 2010.

10.In the result, this Civil Revision Petition is dismissed. However there is no order as to costs. Consequently, connected Miscellaneous Petition is closed. The O.P is of the year 2010. The learned I Additional Family Judge is directed to dispose of the O.P as expeditiously as possible and in any event not later than three months from the date of receipt of a copy of this order.

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Index: Yes/No

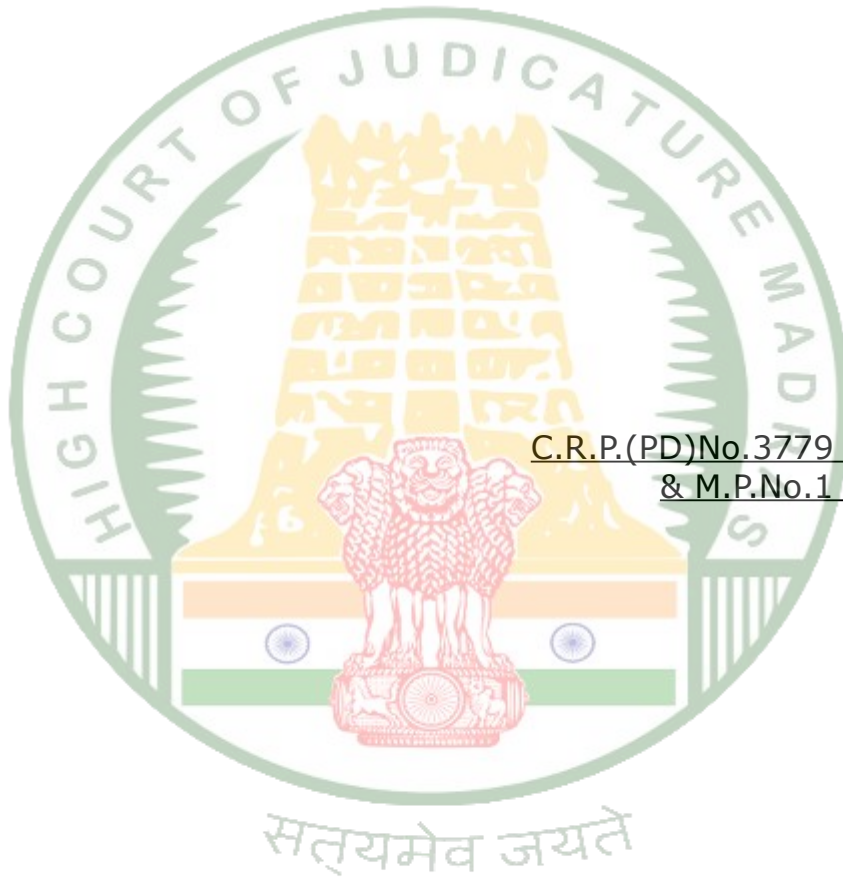
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To

The I Additional Family Judge,
Chennai.

V.M.VELUMANI,J.

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