

IN THE HIGH COURT OF JUDICATURE AT MADRAS**Dated: 01.03.2017****CORAM****THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN****CRP(PD)No.4840 of 2012
and
M.P.No.1 of 2012**

K.Babu @ Balakrishnan

.. Petitioner

Vs.

B.Manimekalai

..Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order and decreetal order dated 12.07.2012 passed in I.A.No.5 of 2012 in H.M.O.P.No.117 of 2011, on the file of the Sub Court, Tiruchengode, Namakkal District.

For Petitioner : Mr.I.C.Vasudevan

For Respondent : Mr.V.S.Kesavan

ORDER

The petitioner by way of this civil revision petition seeks to set aside the order dated 12.07.2012 passed in I.A.No.5 of 2012 in H.M.O.P.No.117 of 2011 on the file of learned Principal Sub-Court,

Tiruchengode, Namakkal District.

2.The petitioner herein is the husband of the respondent and the above H.M.O.P.No.117 of 2011 is filed by the petitioner herein for dissolution of marriage under Section 13(1)(1-a) of Hindu Marriage Act, 1955.

3.In the said H.M.O.P. respondent/wife has filed the above interlocutory application in I.A.No.5 of 2012 under section 24 of Hindu Marriage Act 1955, seeking for a direction to the petitioner herein to pay sum of Rs.5000/- per month to the respondent towards interim maintenance and another sum of Rs. 3500/- per month towards interim maintenance to their daughter Bhavithra and a sum of Rs.10,000/- towards legal expenses and travelling expenses in defending the above H.M.O.P.

4.The said application was partly allowed by the trial Court by granting Rs.5000/- to the respondent and her daughter as interim maintenance till the disposal of the above H.M.O.P. and further direction to pay a sum of Rs.5000/- towards the litigation expenses. The said order is under challenge by way of this civil revision petition

by the petitioner herein disputing the quantum.

5.I heard Mr.I.C.Vasudevan, learned counsel for the petitioner and Mr.V.S.Kesavan, learned counsel for the respondent and perused the entire materials available on record.

6.The learned counsel for the petitioner would submit that the interim maintenance awarded is exorbitant and Petitioner's daughter is not even arrayed in the above interlocutory application and hence the award of interim alimony to petitioner's daughter is not sustainable.

7.It is also his contention that the petitioner is a coolie and the amount awarded is excessive and arbitrary and that the respondent has wantonly deserted the petitioner and accordingly she is disentitled to claim interim alimony.

8.On perusal of the impugned order and the records available, it is seen that the petitioner herein has not denied the fact that the minor daughter is residing with the respondent.

9.It is needless to say that the petitioner being the husband of

the respondent is duty bound to maintain the respondent and their daughter.

10. Therefore, I am unable to find fault with the quantum of maintenance at Rs.5000/- to the respondent and the minor child, as it is indispensable for a decent life to have proper studies of the minor child and towards livelihood of the respondent and the minor daughter.

11. In the result, this Civil Revision Petition is dismissed by confirming the order dated 12.07.2012 passed in I.A.No.5 of 2012 in H.M.O.P.No.117 of 2011, on the file of the Sub Court, Tiruchengode, Namakkal District. No costs. Consequently, connected miscellaneous petition is closed.

01.03.2017

VS

Note: Issue order copy on 25.01.2019

Internet: Yes/No

Index: Yes/No

To

The Sub Court,
Tiruchengode, Namakkal District.

WEB COPY

M.V.MURALIDARAN, J.

VS



**CRP(PD)No.4840 of 2012
and
M.P.No.1 of 2012**

WEB COPY 01.03.2017