



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2017

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P. (MD)No.1058 of 2017(PD)

and

CMP(MD)No.4707 of 2017

N. Arumugam

... Petitioner

Vs.

Uma Maheswari

... Respondent

PRAYER: The Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records and set aside the fair and decretal order dated 14.02.2017 in I.A.No.50 of 2015 in H.M.O.P.No.127 of 2014 on the file of the Principal Sub Court of Kumbakonam.

For Petitioner

:Mr.H.Lakshmi Shankar

ORDER

The Civil Revision Petitions in CRP (MD).No.1058 of 2017 has been filed, under Article 227 of Constitution of India, to call for the records and set aside the fair and decretal order dated 14.02.2017 in I.A.No.50 of 2015 in H.M.O.P.No.127 of 2014 on the file of the Principal Sub Court of Kumbakonam.

2.Heard the learned counsel for the revision petitioner. No representation for the respondents.

3.This Revision Petition is filed against the order of the Principal Sub Court, Kumbakonam, in I.A.No.50 of 2015 in HMOP.No.127 of 2014. The divorce petition was filed by the revision petitioner on the ground of suppression of material fact namely, earlier marriage between the respondent and another person. Hence, the subsequent marriage with him is null and void. Pending disposal of the divorce petition, the respondent wife has filed the application for interim maintenance, wherein, the Court has ordered Rs.10,000/- (Rupees Ten Thousand Only) per month as maintenance and Rs.2,500 (Rupees Two Thousand and Five Hundreds Only) towards litigation expense.

4.Aggrieved by the same, the present revision petition is filed on the ground that the very validity of the marriage is under challenge and respondent being guilty of suppression of material fact about her subsistence of earlier marriage, she is not entitled to any interim maintenance. The trial Court while considering the interim maintenance petition has rightly held that whether there was suppression of material fact leading to declaring the marriage as null and void and matter for trial and the Court can not reconclude the validity of marriage and deprive the respondent from getting interim maintenance from her husband.



5.This Court finds no error in the order passed by the Trial Court. The quantum of maintenance fixed is also only Rs.10,000/- as against the admitted income of the revision petitioner of Rs.60,000/- per month as Professor in a college.

6.The learned Counsel for the revision petitioner contended that fraud has been played on the revision petitioner by the respondent suppressing her earlier marriage, he is not bound to pay any interim maintenance to the petitioner and if at all, to show his bonafide he is ready to deposit the amount in the Court and if the revision petitioner fails in divorce petition, the respondent may take the money deposited.

7.Though the above submission appears to be superficially acceptable, maintenance is a financial support given to the person, who is not capable of maintaining herself and or her income is not sufficient to maintain herself. Commensurating to the life style and standard of her spouse. Depositing the maintenance amount in the Bank or in Court will not be of any help for the person who needs to have a decent living. Therefore, this Court is not inclined to accept the said plea of the revision petitioner and hence, this Court finds no error in the order passed by the Trial Court, in awarding the maintenance of Rs.10,000/- (Rupees Ten Thousand only).

8.This Court finds that the marriage between the petitioner and the respondent was solemnized on 14.10.2013, and the very validity of the solemnisation of marriage is under challenge by way of divorce petition in H.M.O.P.NO.127 of 2014 filed somewhere in July 2014, the matter is pending for nearly 3 years, it is appropriate to direct the principal Sub-Court Kumbakonam, to dispose of H.M.O.P.No.127 of 2014 within the period of three months from the date of receipt of copy of this order.

9.With this direction this Civil Revision petition is dismissed. No Costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

The Principal Subordinate Judge,
Kumbakonam.

+1cc to M/s. H.LAKSHMI SHANKAR Advocate in SR. No.58754

MRN/DSK

JS/SKN.RSK/SAR.2/16.6.2017/2P-3C

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