



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.09.2017
CORAM:

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

C.R.P. (PD) (MD) No.1359 of 2017
and
C.M.P. (MD) No.6658 of 2017

Murugaiah ... Petitioner

-vs-

Maheswari ... Respondent

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 21.12.2016 made in I.A.No.43 of 2015 in H.M.O.P.No.12 of 2015 on the file of the Principal Sub Court, (In-charge), Tenkasi.

For Petitioner : Mr.J.C.Rathinavel Pandian
For Respondent : Mr.D.Srinivasa Raghavan

ORDER

Seeking interim maintenance at the rate of Rs.11,000/- for her and child and litigation expenses amounting to Rs.7,000/-, the respondent has preferred the application before the Court below and the said application having been resisted by the petitioner, the Court below, on a consideration of the rival contentions put forth by the respective parties, finding that the respondent is entitled for interim maintenance for her and her child as per law and accordingly, passed an order of maintenance in all a sum of Rs.5,000/- to the respondent and litigation expenses amounting to Rs.2,500/- was ordered. Impugning the same, the present Civil Revision Petition has been preferred.

2.As seen from the materials placed, it is found that the marriage between the petitioner and the respondent is not in dispute. It is found that the divorce proceedings is pending between the parties and the parties are living separately. In such view of the matter, as rightly determined by the Court below, on a consideration of the status of the parties concerned and the income that would be derived by the petitioner fixed the interim maintenance at the rate of Rs.5,000/- to the wife and the child and litigation expenses for a sum of Rs.2,500/-. Considering the quantum of maintenance and litigation expenses, the order of the Court below cannot be described as exorbitant or on the high side



3. In such view of the matter, I do not find any error or mistake in the order of the Court below. Resultantly, this Civil Revision Petition is dismissed with costs. Consequently, the connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

The Principal Sub Court,
Tenkasi.

+1cc to M/S.J.C.Rathinavel Pandian, Advocate SR.No. 77022

+1cc to M/S.D.Srinivasa Raghavan, Advocate SR.No. 76608

C.R.P. (PD) (MD) No.1359 of 2017
05.09.2017

MYR

JM/SV MMS/SAR 2/26.10.2017/2P/4C