



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

CRP(MD).No.271 of 2017 and
CMP(MD).Nos.1275 and 1276 of 2017

G.Jeya Murugan

: Petitioner

Vs.

S.Menaka Devi

: Respondent

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 01.11.2016 made in I.A.No.37 of 2016 in HMOP.No.108 of 2014 on the file of the Sub Court, Virudhunagar.

For Petitioner

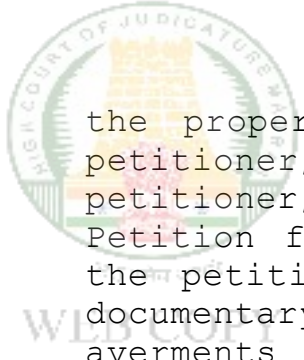
: Mr. S. Subbiah

O R D E R

This Civil Revision Petition is filed against the fair and decreetal order dated 01.11.2016 made in I.A.No.37 of 2016 in HMOP.No.108 of 2014 on the file of the Sub Court, Virudhunagar.

2. The petitioner, husband filed HMOP.No.108 of 2014, on the file of the Sub Court, Virudhunagar for divorce. The respondent, wife filed I.A.No.37 of 2016 in HMOP.No.108 of 2014 for interim maintenance of Rs.5,000/- each for herself and for her minor child and Rs.10,000/- towards litigation expenses.

3. According to the respondent, the petitioner is dealer in Milk products, for many Districts and is earning Rs.40,000/- per month and also getting Rs.25,000/- as rental income. The respondent is residing with her aged parents along with minor child. She is not having any independent income. The petitioner has to maintain the respondent and her minor child. The petitioner filed counter and denied that he is earning Rs.40,000/- per month, through dealership in Milk Products and getting Rs.25,000/- as rental income. Due to cruelty by the respondent, he is leading a Sannyasi life and having food in the temple. The respondent is earning Rs.30,000/- per month through tailoring and finance business. The respondent is having independent income to maintain herself. The respondent and her parents are residing in



the property of the petitioner and gave complaint against the petitioner, under Domestic Violence Act. Only to harass the petitioner, the respondent has filed the present Civil Revision Petition for interim maintenance. Before the learned Judge, both the petitioner and the respondent has not let in any oral and documentary evidence. The learned Judge considering all the averments in the affidavit and counter affidavit, directed the petitioner to pay a sum of Rs.2,000/- each to the respondent and minor child and Rs.10,000/- as litigation expenses.

4. Against the said order, petitioner has filed the present Civil Revision Petition.

5. The learned counsel appearing for the petitioner submitted that the learned Judge without considering the material facts, in a mechanical manner passed an order directing the petitioner to pay maintenance. The learned Judge did not consider the contention of the petitioner that respondent is earning Rs.30,000/- per month and residing in the property belonging to the petitioner along with her parents. Due to cruelty of the respondent, the petitioner is not working and leading Sanniyasi life and he is not having any income.

6. I have heard the learned counsel appearing for the petitioner and perused the materials available on record.

7. The respondent filed Interlocutory Application for interim maintenance pending HMOP. The respondent stated that the petitioner is earning Rs.40,000/- as dealer in milk products and getting Rs.25,000/- as rental income. The petitioner filed counter and stated that he is earning only Rs.3,000/- per month. Both the petitioner and respondent has not produced any documents to substantiate their claim. It is the duty of the husband to maintain his wife and minor child. The learned Judge has awarded a sum of Rs.2,000/- each to the respondent and her minor child and Rs.10,000/- as litigation expenses and the said amount is not excessive.

8. The learned Judge has considered all the materials on record in proper perspective and has given cogent and valid reasons for allowing I.A.No.37 of 2016 in HMOP.No.108 of 2014. Further the learned Judge has exercised his power conferred on him properly and there is no irregularity or illegality warranting interference by this Court.

9. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

10. Considering the fact that HMOP is of the year 2014 and the respondent has filed counter statement, the learned Judge is directed to dispose of the HMOP as expeditiously as possible, in any event not later than 30th June 2017.

WEB COPY

/True Copy/

Sd/-

Assistant Registrar(CS II)

Sub Assistant Registrar

To
The Subordinate Judge, Virudhunagar.

trp
sm:RR:07/03/2017:2P/2C

CRP(MD).No.271 of 2017 and
CMP(MD).Nos.1275 and 1276 of 2017
10.02.2017