



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2017

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRP(PD) (MD)No.828 of 2017

and

CMP(MD)No.3674 of 2017

Mr.Rajeshkumar

... Petitioner

vs.

Mrs.Kavitha

... Respondent

Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 14.12.2016 made in I.A.No.54 of 2016 in HMOP.No.31 of 2016 on the file of the learned Subordinate Judge, Srivilliputhur.

For Petitioner : Mr.M.Vijayarathinam

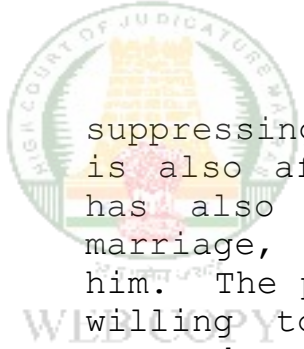
For Respondent : Mr.A.Sivaji

ORDER

This revision petition has been filed against the fair and decreetal order dated 14.12.2016 made in I.A.No.54 of 2016 in HMOP.No.31 of 2016 on the file of the learned Subordinate Judge, Srivilliputhur.

2.The marriage between the petitioner and respondent was solemnized on 15.07.2012 and out of the wedlock, a male child was born on 12.04.2013. While so, due to misunderstanding between the petitioner and the respondent, the petitioner filed HMOP.No.15/15 before the Family Court, Dindigul, for divorce. Pending divorce petition, the respondent/wife filed a petition claiming interim maintenance in I.A.No.54/16 and the Family Court allowed the petition by directing the respondent to pay interim maintenance of Rs.10,000/- per month. As against the said order, the petitioner/husband is before this Court.

3.Learned counsel for the petitioner would submit that earlier, till April 2015, the petitioner has worked in Wipro company and thereafter he is unemployed and he is searching for a job and therefore, the allegation that the petitioner is earning a sum of Rs.1,50,000/- is false. It is also contended that the respondent/wife is working as a Cashier in Pandian Grama Bank and



suppressing the same, she has filed maintenance petition and she is also affected by ''Schizophrenia'' disorder. The petitioner has also specifically denied the allegation that during the marriage, 35 sovereign of jewels and Rs.1,50,000/- was paid to him. The petitioner further submitted that he is always ready and willing to live with the respondent and minor son and the respondent is not entitled to claim any maintenance muchless Rs.50,000/-.

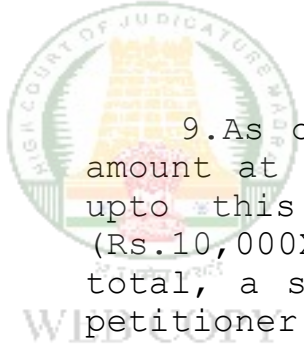
4. Heard the learned counsels for the petitioner as well as the respondent.

5. Perusal of the records shows that the relationship between the parties and the pendency of the HMOP are all admitted. The son was born to them out of the wedlock and the son is under the custody of the respondent was also admitted. Though the respondent alleged that the petitioner worked in a Software company and earning a sum of Rs.1,50,000/-, the petitioner would contend that he had left the job and now he is jobless. The petitioner along with the counter, has also filed copy of the letter issued by the Wipro company which would clearly show that he has resigned from the said company on 05.05.2015. The petitioner alleged that the respondent is working as a Cashier in a private Bank, but it is not supported by any documentary evidence.

6. Be that as it may, a husband is always duty bound to maintain his wife and minor son and admittedly the respondent was working till April 2015. It is also not disputed that the respondent has acquired B.Sc., (Computer Science) and M.Sc., (I.T) and therefore, considering the social status of both parties and considering the facts and circumstances of the case, a sum of Rs.10,000/- has been ordered as monthly maintenance and Rs.3,000/- has been awarded towards litigation expenses which in my considered opinion does not require any interference. The learned Judge has directed the petitioner to pay the arrears of maintenance within two months and the future maintenance on or before 7th day of every succeeding English Calendar month from January 2017.

7. At this juncture, learned counsel for the petitioner would submit that since the petitioner is now jobless, he is not in a position to pay arrears of interim maintenance at Rs.10,000/- per month at one stretch and therefore, he sought for payment of arrears of maintenance in installments.

8. Learned counsel for the respondent has no serious objection for payment of arrears of maintenance amount by the petitioner in installments.



9.As ordered by the Family Court, the arrears of maintenance amount at Rs.10,000/- from the date of petition namely, June 2016 upto this date namely, November 2017 comes to Rs.1,80,000/- (Rs.10,000X18 months) and litigation expenses at Rs.3,000/-. In total, a sum of Rs.1,83,000/- is due and payable by the revision petitioner to the respondent.

10.Recording the said submission made on either side, this Civil Revision Petition is disposed of directing the petitioner to pay the arrears of maintenance at Rs.1,83,000/- in seven equal and continuous monthly installments and the 1st installment shall commence from December 2017. Apart from the payment of arrears of maintenance amount in installments, in addition, the petitioner is further directed to pay monthly maintenance at Rs.10,000/- from December 2017 onwards on or before 7th day of every succeeding English Calendar month without any default.

With the above direction, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge,
Srivilliputhur.

+1cc to Mr.A.Sivaji, Advocate Sr.No.88855

BALA

VB/SV/MMS/SAR1/11/12/2017/3P/3C

CRP (PD) (MD) No.828 of 2017
21.11.2017