



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2017

CORAM:

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P(MD)No.886 of 2017
and
C.M.P.(MD).No.3909 of 2017

A.Gana Sekar, .. Petitioner/Respondent/Petitiner
Vs.
S.Jeyaseeli Radha, .. Respondent/Petitioner/Respondent

Prayer: This Civil Revision Petition is filed under Section 227 of Constitution of India to set aside the fair and decreetal order dated 20.12.2016 passed in I.A.No.607 of 2016 in D.O.P.No.156 of 2016 on the file of the IV-Additional District Court, Tirunelveli.

For Petitioner : Mr.J.Ashok

ORDER

The Civil Revision Petition is filed against the fair and decreetal order dated 20.12.2016 passed in I.A.No.607 of 2016 in D.O.P.No.156 of 2016 on the file of the IV-Additional District Court, Tirunelveli.

2.In the divorce proceedings initiated by the revision petitioner herein, the court has ordered Rs.4,000/- as interim maintenance to the wife as against the claim of Rs.15,000/-. The revision petitioner aggrieved by this has filed this revision petition under Article 227 of the Constitution of India.

3.The trial court after considering the contentions raised by the rival parties, has arrived at a conclusion that the petitioner herein is working as Omni bus driver, and he has substantial income through the said avocation. Hence, fixed Rs.4,000/- as maintenance to the respondent who has no source of income. Eventhough, the revision petitioner contended that his wife, the respondent herein, is having land and deriving income from the family property, there is no material placed by the revision petitioner to substantiate it. Even otherwise, the revision petitioner, as husband is liable to maintain his wife from out of his own income and he cannot escape from maintaining his wife on the ground that she has sufficient income. Fixation of Rs.4,000/- as maintenance for a lady about 38 years old is not on the higher side on the facts and circumstances. Hence, there is no reason of this court, to interfere under Article 227, the order passed by the trial court.



6. Accordingly, the Civil Revision Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar()

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/True Copy/

Sub Assistant Registrar

To

1. The IV Additional District Judge,
Tirunelveli.

+1cc Mr. J. ASHOK, Advocate, in SR.No.53506.

C.R.P (MD) No.886 of 2017
21.04.2017

SDS/RSK/05.05.2016/2P/3C