



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P. (MD) No.95 of 2017 (PD)

&

C.M.P. (MD) No.318 of 2017

Poomalai Raja, S/o.Ayyanar

.. Petitioner

Vs.

Koodammal, W/o.Poomalai Raja

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 20.10.2016, passed in I.A.No.119 of 2015 in H.M.O.P.No.215 of 2014, by the learned Subordinate Judge, Srivilliputhur.

For Petitioner : Mr.G.Marimuthu

For Respondent : No Appearance

ORDER

This Civil Revision Petition has been filed against the fair and decreetal order dated 20.10.2016, passed in I.A.No.119 of 2015 in H.M.O.P.No.215 of 2014, by the learned Subordinate Judge, Srivilliputhur.

2. The petitioner is the husband and the respondent is the wife. The petitioner filed H.M.O.P.No.215 of 2014 against the respondent before the Subordinate Court, Srivilliputhur, to declare the marriage, dated 06.12.2013, as null and void. The respondent entered appearance and filed counter affidavit in the H.M.O.P. on 27.10.2015. The respondent has also filed I.A.No.119 of 2015 under Section 24 of the Hindu Marriage Act, claiming a sum of Rs.8,000/- per month as interim maintenance both for herself and her minor daughter and also a sum of Rs.10,000/- towards litigation expenses.

3. According to the respondent, the petitioner thrown her out from the matrimonial home and is not maintaining the respondent and her daughter. The petitioner is having agricultural land and is earning a sum of Rs.20,000/- per month. The petitioner is not interested in living with the respondent. The respondent is not in a position to maintain herself and her daughter. Therefore, she has filed the said I.A. for the relied stated supra.



4. The petitioner filed counter affidavit and denied all the averments made by the respondent. The petitioner denied that he is earning a sum of Rs.20,000/- per month through agricultural income. On the other hand, the respondent is earning Rs.200/- per day through tailoring business and prayed for dismissal of the application.

5. The learned Subordinate Judge, Srivilliputhur, considering the averments made in the affidavit, counter affidavit and also considering the materials available on record, allowed the application directing the petitioner to pay a sum of Rs.2,500/- per month as interim maintenance to the respondent and her minor daughter and a sum of Rs.3,000/- towards litigation expenses.

6. Against the said order dated 20.10.2016, the petitioner has come out with the present Civil Revision Petition.

7. I have heard the learned counsel for the petitioner and perused the materials available on record. Though notice was served on the respondent and her name is printed in the cause list, she has not chosen to appear either in person or through counsel.

8. The petitioner has stated that he is not getting any agricultural income of Rs.20,000/- per month and he is working only as a coolie and getting only Rs.200/- per day. The petitioner also contended that the respondent is earning Rs.200/- per day through tailoring business. The learned Subordinate Judge has not considered the contention of the petitioner that respondent is having independent income. In view of the same, the order of the learned Subordinate Judge directing the petitioner to pay a sum of Rs.2,500/- per month as interim maintenance to the respondent and her minor daughter is modified to the effect that the petitioner shall pay a sum of Rs.1,500/- per month towards interim maintenance to the respondent and her minor daughter and Rs.3,000/- awarded by the learned Subordinate Judge, towards litigation expenses is confirmed.

9. With the above modification, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

/True copy/



To

The Subordinate Judge,
Srivilliputhur.

WEB COPY

+1 cc to M/s.G.Marimuthu, Advocate in SR.No.7517

smn2

CSL/MR/27.02.2017 :2P/3C

C.R.P. (MD) No.95 of 2017 (PD)

&

C.M.P. (MD) No.318 of 2017

10.02.2017