

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 09.06.2017

CORAM :

WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**C.R.P. (MD)No.1916 of 2016****and****CMP(MD)Nos.9093 and 11219 of 2016**

Jayakumar

... Petitioner

Vs.

1.Usha

2.Minor.Pranav

3.Minor.Visuvajith

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 09.08.2016 passed in I.A.No.30 of 2016 in H.M.O.P.No.104 of 2015 on the file of the Sub-Court, Uthamapalayam.

For Petitioner :Mr.K.Muthumalai

For Respondents :Mr.C.Ezkularasu

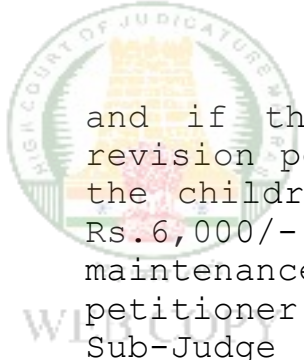
ORDER

This Civil Revision Petition has been filed against the order passed by the Sub-Judge, Uthamapalayam, in I.A.No.30 of 2016 in H.M.O.P.No.104 of 2015, dated 09.08.2016, awarding interim maintenance of Rs.6,000/- (Rupees Six Thousand only) to the respondents, who are the wife and two minor children of the revision petitioner.

2. According to the revision petitioner, the sum is exorbitant and the Trial Court has not taken note of the payment made by the revision petitioner towards the educational expenses of the minor children, namely, the 2nd and 3rd respondent.

3. Considering the earning capacity of the revision petitioner and the present cost of living, this Court finds no error in the order of the Trial Court, which has assessed the monthly income of the revision petitioner as Rs.12,000/- (Rupees Twelve Thousand only) and fixed the maintenance as Rs.6,000/- (Rupees Six Thousand only) towards his wife and the two children, pending disposal of the H.M.O.P.No.104 of 2015.

4. The learned counsel for the revision petitioner submitted <https://hdsservices.ecourt.gov.in/hdsservices/> of the Trial Court disbelieving the Xerox copy of the school fee bills paid by the revision petitioner, is erroneous



and if the Trial Court has taken note of the fact that the revision petitioner is taking care of the educational expenses of the children, then it ought not have fixed an exorbitant sum of Rs.6,000/- (Rupees Six Thousand only) towards the interim maintenance. Further, it is also submitted by the revision petitioner that there is a direction of this Court to the learned Sub-Judge concerned to dispose of the matter within a period of two months, which has not been completed due to the Interlocutory Application filed by the first respondent in I.A.No.30 of 2016, seeking interim maintenance, which is to drag on the proceedings.

5.Considering the above said submissions, this Court finds that even if the petitioner has taken care of the educational expenses of the children, Rs.6,000/- (Rupees Six Thousand only) for the respondents as interim maintenance is not on the higher side.

6.Further, the contention of the revision petitioner that due to intervention of the application seeking interim maintenance, the disposal of H.M.O.P.NO.104 of 2015 itself is dragged, has some force for appreciation. Therefore, this Court directs the Sub-Judge, Uthamapalayam, to dispose of H.M.O.P.NO.104 of 2015, within a period of six months from the date of receipt of a copy of this order, provided that the revision petitioner pays the arrears of maintenance immediately and continue to pay the interim maintenance regularly.

7.With these directions, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(A.S)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge,
Uthamapalayam.

+1cc to M/S. C.EZHILARASU, Advocate, SR.No.59493.

+1cc to M/S. K.MUTHUMALAI, Advocate, SR.No.59583.

C.R.P. (MD) No.1916 of 2016

and

CMP (MD) Nos.9093 and 11219 of 2016

09.06.2017