



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.1926 of 2016 (PD)

&

C.M.P.(MD)No.9138 of 2016

T.Antony Arulraj .. Petitioner/Respondent/Petitioner

Vs.

M.Shanthi .. Respondent/Petitioner/Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 15.12.2015, passed in I.A.No.255 of 2015 in D.O.P.No.363 of 2014, by the learned Principal District Judge, Tuticorin.

For Petitioner : Mr.H.Arumugam
For Respondent : Mr.M.P.Senthil

ORDER

This Civil Revision Petition has been filed against the fair and decreetal order dated 15.12.2015, passed in I.A.No.255 of 2015 in D.O.P.No.363 of 2014, by the learned Principal District Judge, Tuticorin.

2. The petitioner is the husband and the respondent is the wife. The marriage between the petitioner and the respondent was solemnized on 30.06.2014. The petitioner filed D.O.P.No.363 of 2014 before the District Court, Tuticorin, to declare the marriage solemnized between him and the respondent, as null and void. The respondent filed I.A.No.255 of 2015 in D.O.P.No.363 of 2014 for interim maintenance of Rs.5,000/- each for herself and for her minor child and another sum of Rs.25,000/- towards litigation expenses. According to the respondent, the petitioner is doing business and having a cellphone shop and earning a sum of Rs.25,000/- per month. The petitioner filed counter affidavit and denied all the averments made by the respondent and submitted that he was working in a private school and the respondent and her mother created problem in the School, where he was working. Therefore, the petitioner was removed from service and he lost his job. He is working in a cellphone shop of his brother and he is getting only Rs.2,500/- per month and from that income, he has to maintain himself and his aged mother.

3. The learned Principal District Judge, Tuticorin, considering the averments made in the affidavit, counter affidavit and also the materials available on record, allowed the application directing the petitioner to pay a sum of Rs.5,000/- each to the respondent



and her child and also a sum of Rs.1,000/- towards litigation expenses.

4. Against the said order dated 15.12.2015, the petitioner has come out with the present Civil Revision Petition.

5. I have heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

6. From the materials available on record, it is seen that both the petitioner and the respondent have not produced any document to show that the income, which the petitioner is getting per month. The learned Principal District Judge has considered this aspect. The learned Principal District Judge has rightly held that the petitioner/husband is liable to maintain his wife and child. The respondent has not denied that she is owning a house and getting rental income. In view of the well settled proposition and the fact that there is no materials with regard to the income of the petitioner, interim maintenance granted to the respondent and her child is modified as Rs.2,500/- each to the respondent and her child and Rs.1,000/- awarded by the learned Principal District Judge, towards litigation expenses is confirmed.

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

Sd/-

Assistant Registrar(A.S)

/TRUE COPY/

Sub Assistant Registrar

To

The Principal District Judge,
Tuticorin.

Copy to

The Record Keeper,V.R.Section,
Madurai Bench of High Court, Madurai.

+1 cc to Mr.M.P.Senthil,Advocate, SR.NO:7697

+1 cc to Mr.H.Arumugam,Advocate, SR.No:7647

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