



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.03.2017
CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P (PD) (MD) No.2337 of 2016

and

C.M.P (MD) No.10778 of 2016

A.Karthikeyan

.. Petitioner/Respondent/Petitioner

Vs.

A.Rajeswari

.. Respondent/Petitioner/Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, 1908 against the fair and decretal order dated 27.07.2016 passed in I.A.No.124 of 2015 in H.M.O.P No.300 of 2014 by the Sub Court, Thoothukudi.

For Petitioner

: Mr.A.Thiruvadikumar

For Respondent

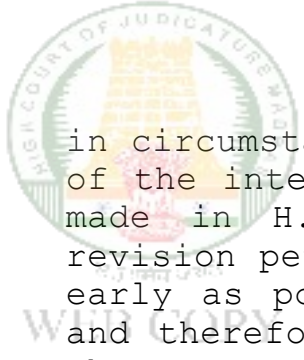
: Mr.R.Balakrishnan

ORDER

This Civil Revision Petition is filed challenging the interim monthly maintenance awarded by the Sub Court, Thoothukudi, in an application filed under Section 24 of the Hindu Marriage Act, pending disposal of H.M.O.P.No.300 of 2014. After considering the evidence let in by the parties, the Trial Court has found that the monthly income of the revision petitioner is around Rs.47,000/- and has awarded Rs.4,500/- each for his wife and two children as monthly maintenance.

2.The revision petitioner aggrieved by the quantum of maintenance fixed by the Trial Court has come by way of this Civil Revision Petition on the ground that the amount fixed as interim maintenance is very arbitrary and without proper enquiry, the quantum of maintenance was fixed. The Trial Court has drawn adverse inference for not producing the current pay slip, while the pay slip for the month of April, 2015 was produced before the Trial Court. The Trial Court ought not to have drawn such an adverse inference, when the pay slip produced by the revision petitioner indicates that his monthly salary for the month of April, 2015 was only Rs.18,000/-.

3.This Court finds some force in this submission. But any how by efflux of time, now the children have grown up and the educational expenses as well as the inflation warrants no major interference in the interim maintenance fixed by the Trial Court, except to reduce the interim monthly maintenance to Rs.3,500/- each, instead of Rs.4,500/- pending disposal of H.M.O.P.No.300 of 2014 and Rs.3,500/- shall be the interim monthly maintenance till the disposal of H.M.O.P.No.300 of 2014 and if there is any change



in circumstances it is open to the parties to seek for modification of the interim monthly maintenance. Since serious allegations are made in H.M.O.P.No.300 of 2014 against the respondent by the revision petitioner, it is necessary to expedite the proceedings as early as possible and to give quietus to the matrimonial dispute and therefore the Trial Court can take note of it and dispose of the same as expeditiously as possible.

4.The learned counsel for the revision petitioner submits that as per the direction of this Court, while granting interim order, the petitioner is depositing Rs.8,000/- every month towards the interim monthly maintenance. The difference of interim monthly maintenance shall be paid in two instalments within a period of two months and from 01.04.2017 onwards, the interim monthly maintenance shall be deposited in the account of H.M.O.P.No.300 of 2014, which, the respondent is entitled to withdraw on her behalf and on behalf of her minor children.

5.With the above observations and directions, this Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(Records)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Sub Court,
Thoothukudi.
- 2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to M/R.R.BALAKRISHNAN, Advocate, SR.NO:14523
+1 cc to M/R.A.THIRUVADIKUMAR, Advocate, SR.NO:14042

SMN/MM
SVA/BS/20.03.2017/2P/5C

ORDER MADE IN
C.R.P (PD) (MD) No.2337 of 2016
and
C.M.P (MD) No.10778 of 2016
10.03.2017