

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

CIVIL REVISION PETITION No.3235 of 2017

ORDER:

This civil revision petition is filed by the petitioner/respondent against the order, dated 31.03.2016, in I.A.No.325/2015 in O.S.No.112/2015, on the file of the Senior Civil Judge, Rajam, by and under which, the court below granted interim maintenance to the respondents herein.

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

The admitted facts are that the petitioner is the husband of the 1st respondent and respondents Nos.2 & 3 are their children. The petitioner has not disputed about the relationship with the respondents and he only disputes about granting of interim maintenance to the respondents, that too to respondents Nos.2 & 3, on the ground that he has been looking after the welfare of the children and is paying tuition fee etc. It is contended that the Court below without considering his contentions, erroneously granted maintenance.

The 1st respondent filed suit O.S.No.112/2015 for maintenance against the petitioner herein contending that the petitioner having developed illicit intimacy with another lady, neglected her and her two children without providing food and shelter, and that the petitioner is having sufficient income to pay maintenance, as prayed for. Pending disposal of the suit, the 1st respondent filed I.A.No.325/2015 seeking interim maintenance @ Rs.15,000/- each for herself and to the 2nd respondent and @Rs.10,000/- to the 3rd respondent. The petitioner filed

counter and advanced his contentions stating that the respondents are having sufficient means to maintain themselves, that he purchased landed property of an extent of Ac.5.00 in the name of the 1st respondent and he has been paying tuition fee etc., to the children.

The court below, after hearing on either side and considering the oral and documentary evidence, allowed the petition and granted interim maintenance @Rs.10,00/- to the 1st respondent and @Rs.5,000/- each to respondents Nos.2 & 3.

The main contention of the petitioner is that the Court below ought not to have granted maintenance to the children, as he has been looking after their welfare.

Having heard the learned counsel on both sides and having perused the material on record, I do not find any infirmity warranting interference with the impugned order. However, the order of the Court below is modified, by reducing the interim maintenance granted to respondents Nos.2 & 3 @Rs.2,500/- each, instead of Rs.5,000/- each, in view of the fact that the petitioner is directed to and in fact, bearing the educational expenses of the sons including the boarding and lodging charges of the 2nd respondent/son which amount is also quite substantial as borne out from Exs.R1 to R11.

The Civil Revision Petition is accordingly disposed of. No order as to costs.

Pending miscellaneous application, if any, shall stand closed in consequence.

M.S.K.Jaiswal, J

Date: 15.09.2017
Dsr