

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.06.2018

Coram:

THE HONOURABLE **MR.JUSTICE P.VELMURUGAN**

C.R.P.(PD)No.1309 of 2018

D.Thangaraj

... Petitioner

Vs.

Sasikala

.... Respondent

Civil Revision Petition has been filed under Article 227 of the Constitution of India against order passed in I.A.No.34 of 2016 in H.M.O.P.No.94 of 2001 dated 15.12.2017 on the file of the Principal Subordinate Court at Vellore.

For Petitioner : Mrs.R.T.Sundari

**ORDER**

The civil revision petition has been filed against order passed in I.A.No.34 of 2016 in H.M.O.P.No.94 of 2001 dated 15.12.2017 by the learned Principal Subordinate Judge, Vellore.

**2** The revision petitioner filed a petition in M.O.P.No.94 of 2001 before the learned Subordinate Judge, Vellore, for divorce. Pending the above petition, the respondent/wife filed an application under Section 24 of the Hindu Marriage Act, 1955, in I.A.No.34 of

2016, seeking monthly maintenance of Rs.5000/- and also Rs.50,000/- as litigation expenses. The learned Subordinate Judge, Vellore, after giving due opportunity to both the parties, came to the conclusion that the revision petitioner drawing monthly pension of Rs.22,437/-, whereas the respondent wife is getting only Rs.200/- as monthly maintenance as ordered by the Chief Judicial Magistrate, Vellore, by an order dated 31.01.2008, which is not sufficient to maintain herself. Therefore the learned Subordinate Judge, Vellore, enhanced the monthly maintenance to Rs.3000/- and also directed the petitioner/husband to pay a sum of Rs.10,000/- as litigation expenses by an order dated 15.12.2017.

**3** Aggrieved against the above said order dated 15.12.2017, the petitioner/husband has now come forward with the present civil revision petition.

**4** The learned counsel appearing for the revision petitioner would submit that the petitioner is only a pensioner and ex-service man, he could not pay a sum of Rs.3000/- as monthly maintenance as ordered by the learned Sub Judge, Vellore. The revision petitioner is suffering illness and the pension amount is not even sufficient for his

own medical expenses. Further the respondent/wife has employed as Makkal Nala Paniyalar and she is earning a sum of Rs.9000/- as monthly income. Hence it is not necessary to pay monthly maintenance to the respondent/wife. Hence the order dated 15.12.2017 made by the learned Sub Judge, Vellore, in I.A.No.34 of 2016 is liable to be set aside.

**5** Heard the learned counsel appearing for the revision petitioner and perused the materials available on record.

**6** The relationship between the revision petitioner/husband and respondent wife is not in dispute. On a perusal of the record, it reveal that the petitioner filed petition in M.O.P.No.94 of 2001 for divorce, pending the said petition the respondent herein filed an application seeking monthly maintenance, which was allowed in part by an order dated 15.12.2017, wherein the revision petitioner is directed to pay a sum of Rs.3000/- as monthly maintenance. The main contention of the revision petitioner is that he is only a pensioner and ex-service man and is receiving a sum of Rs.22,437/- as monthly pension, which is not at all sufficient for his own medical expenses. The respondent/wife has been employed as Makkal Nala Paniyalar and

is earning a sum of Rs.9,000/- per month. But the above contention is not proved by producing any documents. In the absence of the same, the trial Court has rightly ordered to pay a sum of Rs.3,000/- per month as interim maintenance. This Court does not find any reason to interfere with the order dated 15.12.2017.

**7** In the result, the civil revision petition is dismissed. No costs.

**13.06.2018**

Internet: Yes/No

Index: Yes/No

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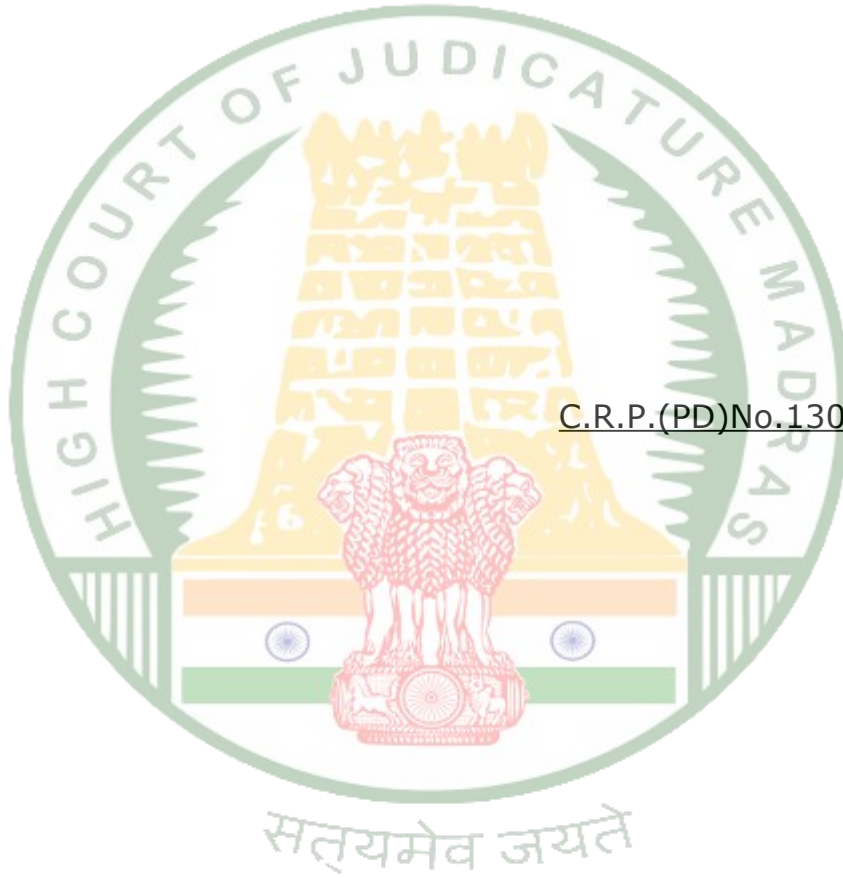
To

The Principal Subordinate Judge,  
Vellore.

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**P.VELMURUGAN, J.,**

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