

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.10.2018

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHAC.R.P.(P.D).No.3477 of 2012
and M.P.No.1 of 2012

B.Sathish Sharma,
S/o.S.G.Balachandar,
No.6, Rathinam Street,
Redhills Road, Villivakkam,
Chennai-600 049.

... Petitioner

Vs.

1. Kavitha
W/o.B.Sathish Sharma,
2. Minor Rakshana, Rep. by
Natural guardian her mother
1st respondent Kavitha
Both residing at
No.14/13D, Bharathi Street,
Radha Nagar, Chrompet,
Chennai-44.

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of Constitution of India, praying against the Fair and Decretal order dated 03.02.2012 made in I.A.No.460 of 2010 in O.P.No.3988 of 2010, on the file of the III Additional Family Court, Chennai.

For Petitioner : Mr.C.Prabakaran

For R1 : Not ready in notice
For R2 : Minor rep. by R1

ORDER

The above Civil Revision Petition is filed challenging the order of the III Additional Family Court, Chennai directing the revision petitioner to pay a monthly maintenance of Rs.4,000/- to his wife, the first petitioner and a sum of Rs.1,500/- to the 2nd petitioner who is his minor daughter.

2. The brief facts are as follows:

The revision petitioner has filed O.P.No.3988 of 2010 for seeking divorce on the ground of desertion against the first respondent herein. Pending the original petition, the respondents has filed I.A.No.460 of 2010 for interim maintenance for a sum of Rs.6,000/- for herself and a sum of Rs.4,000/- per month for her 2nd petitioner who is a minor daughter. Apart from that, she had also claimed a sum of Rs.10,000/- towards litigation expenditure.

3. In the affidavit filed in support of the petition, she had

stated that her husband was working as Supervisor, Sub-Contractor and site In-charge at Jaiswathi Construction, Villivakkam and he was earning a monthly salary of Rs.20,000/-. He had further stated that

from the date of the birth of child, the first respondent had not cared and maintained her and the child. The respondent herein had filed a counter in which he had stated that he was not earning sufficient money to maintain the respondent herein. The learned III Additional Family Court, Chennai has passed the impugned order, challenging which the petitioner is before this Court.

4. Heard Mr.C.Prabakaran appearing for the petitioner and the respondent though served have not entered appearance.

5. It is seen that the revision petitioner has failed to maintain his wife from the date of the birth of his daughter in the year 2009. For 9 years, the revision petitioner who is duty-bound to maintain his wife and child, has thrown away his responsibility and has not paid a single penny to them.

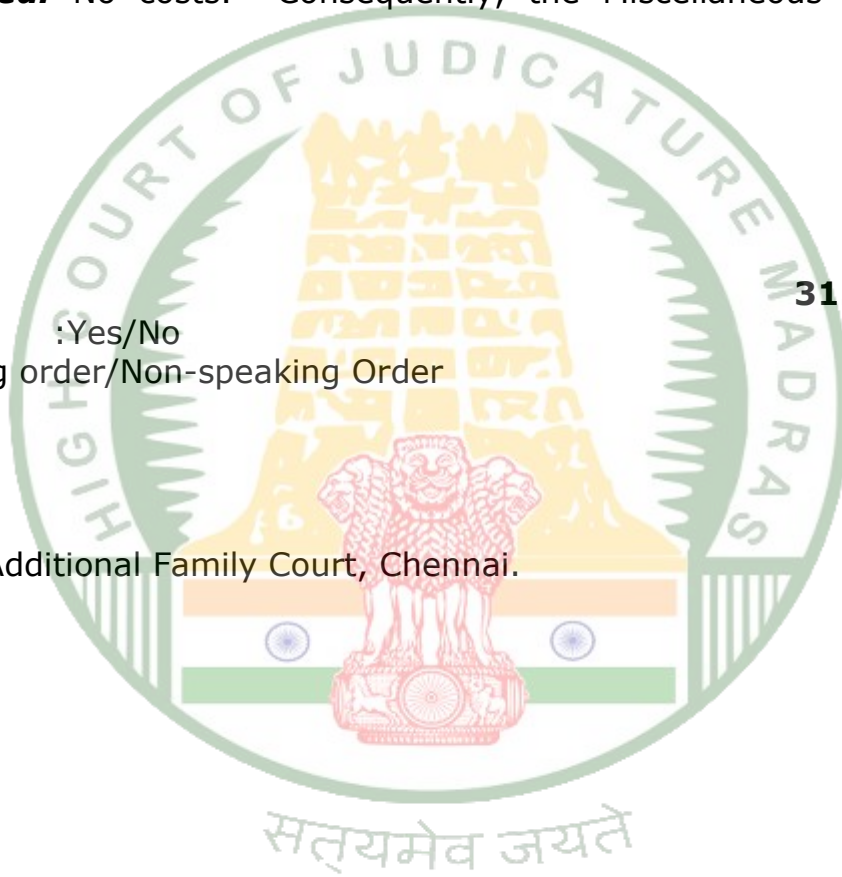
6. Considering the fact that he is duty-bound to maintain his wife and child, the learned III Additional Family Judge, Chennai has passed the order, which in my opinion, is very reasonable. This Court has also taken into account the cost of living as well as the age of the minor child and her future prospects etc., I therefore find no infirmity

in the order passed by the learned III Additional Family Court, Chennai.

7. In the result, the **Civil Revision Petition is dismissed.** No costs. Consequently, the Miscellaneous Petition is closed.

Index : Yes/No
Speaking order/Non-speaking Order
jen/bsm
To,
The III Additional Family Court, Chennai.

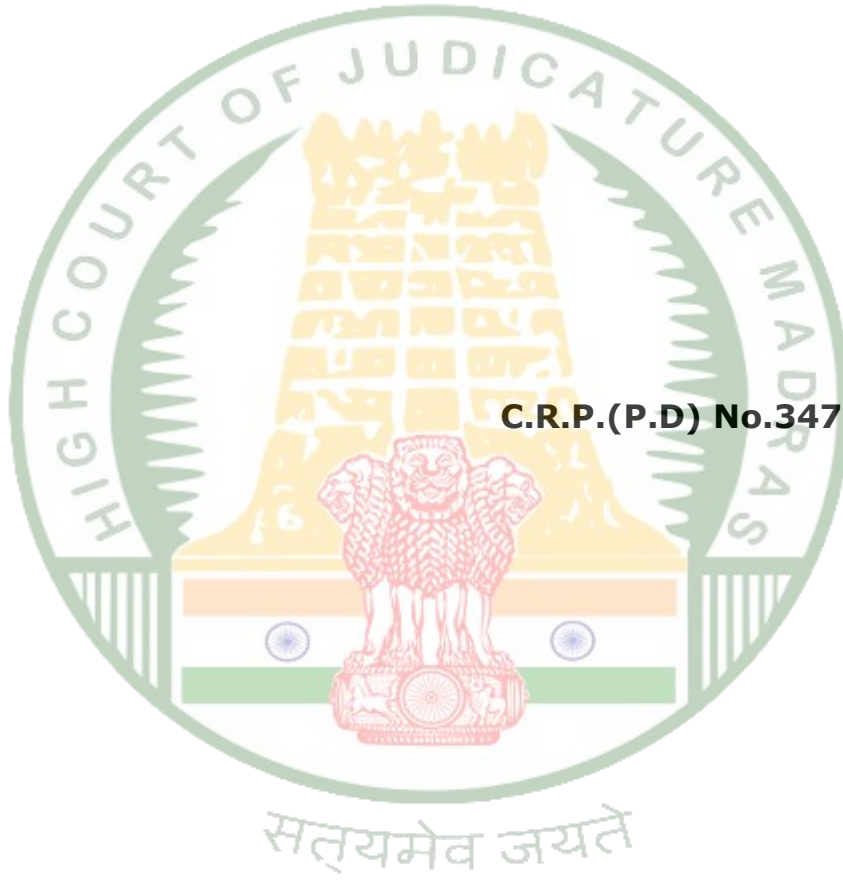
31.10.2018



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P.T.Asha.,J

jen



C.R.P.(P.D) No.3477 of 2012

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