

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.06.2017

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(PD). No.1614 of 2018

&

C.M.P.No.8761 of 2018

R.Thirumalai

... Petitioner

Vs.

Sornapriya

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to call for the records of the lower Court and to set aside the Order and Decreetal order passed by the learned Subordinate Judge at Maduranthagam on 15.09.2017 in I.A.No.72 of 2015 in H.M.O.P.No.19 of 2015.

For Petitioner : Mr.A.Gopinath

ORDER

The relief sought for in this revision petition is to set aside the fair and decreetal order dated 15.09.2017, made in I.A.No.72 of 2015 in H.M.O.P.No.19 of 2015 on the file of the learned Subordinate Judge, Maduranthagam.

2. The revision petitioner/husband has filed a petition in H.M.O.P.No.19 of 2015 before the learned Subordinate Judge, Madurantakam for restitution of the conjugal rights.

3. When the matter is pending, the respondent/wife filed an application under Section 24 of Hindu Marriage Act in I.A.No.72 of 2015, for interim maintenance for her and her child. Admittedly, the child is living with the respondent/wife.

4. After hearing both the parties, the trial Court allowed the petition by directing the petitioner/husband to pay a sum of Rs.10,000/- for respondent/wife and the child towards maintenance and also Rs.10,000/- towards legal expenses.

5. Aggrieved against the said order dated 15.09.2017, the revision petitioner/husband is before this Court by way of this revision petition.

6. On a perusal of the order of the trial Court would go to show there is no discussion with regard to the earning of the respondent/wife. However, the revision petitioner has not challenged the maintenance amount awarded to the child. However, the trial Court has passed an order that the revision petitioner has to pay Rs.10,000/- to the respondent and to their child towards maintenance.

7. Since it is evident from the records produced that the respondent is an earning member, this Court is inclined to modify the order of trial Court to the effect that instead of paying maintenance amount to the respondent and the child, the petitioner/husband is directed to pay Rs.10,000/- to the child alone, as the dutiful father, the petitioner is liable to maintain his child.

8. With the above modification, this Civil Revision petition is disposed of. Consequently, the connected Miscellaneous petition is closed.

06.06.2017

Index:Yes/No
Speaking order / Non speaking order
vum

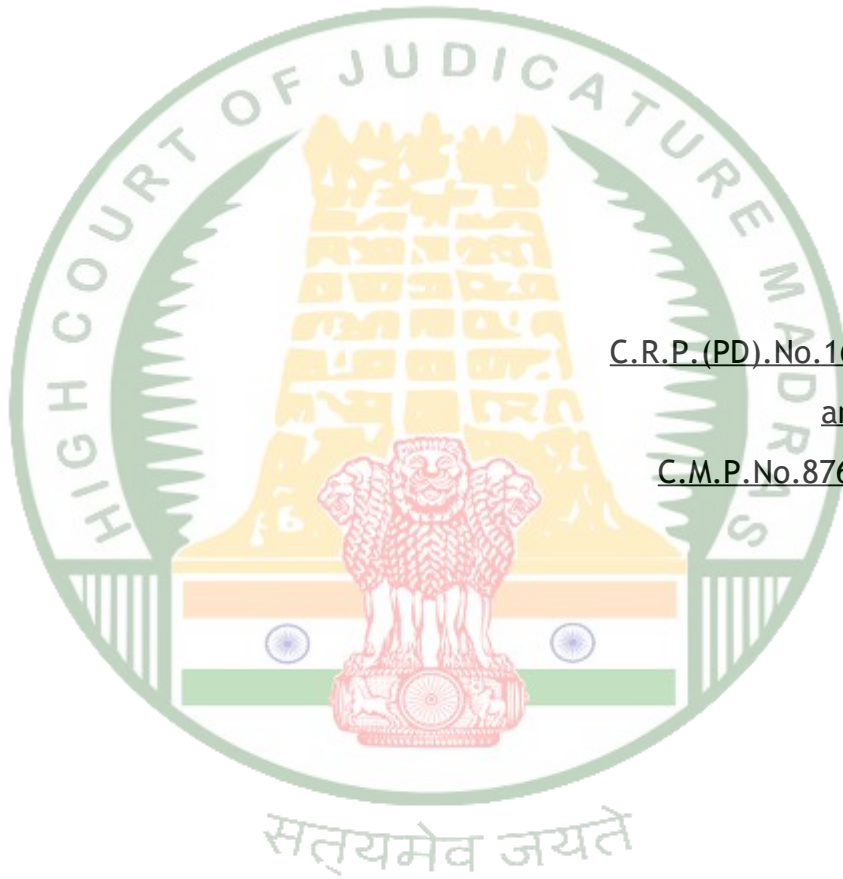
To
The Subordinate Court,
Maduranthagam.

सत्यमेव जयते

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P.VELMURUGAN, J.,

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