

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.06.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(PD). No.1658 of 2018
and C.M.P.No.9009 of 2018

Sandeep Pareek

... Petitioner

Vs.

Monika Pareek

... Respondent

Prayer: Civil Revision Petition is filed under Section 227 of Constitution of India, praying to set aside the fair and decretal order dated 21.03.2018 made in I.A.No.25 of 2017 in H.M.O.P.No.49 of 2016 on the file of the Sub Court, Tambaram.

For Petitioner : Mr.K.Ravi anantha padmanabhan

For Respondent : Mr.V.Manohar

ORDER

The prayer sought for in the revision petition is to set aside the fair and decretal order dated 21.03.2018 made in I.A.No.25 of 2017 in H.M.O.P.No.49 of 2016 on the file of the Sub Court, Tambaram.

2. The revision petitioner/husband filed a petition in H.M.O.P.No.49 of

2016 before Sub Court, Tambaram for divorce against the respondent/wife .

3. During the pendency of the divorce proceedings, the respondent/wife filed an application under Section 24 of the Hindu Marriage Act, 1955, in I.A.No.25 of 2017 in H.M.O.P.No.49 of 2016 before the learned Sub Judge, Tambaram seeking interim maintenance.

4. After hearing both sides, the trial Court allowed the application by directing the petitioner/husband to pay a sum of Rs.30,000/- per month towards interim maintenance to the respondent/wife and his daughter.

5. Aggrieved against said the order, the revision petitioner/husband is before this Court.

6. Heard both sides and perused the materials available on record.

7. The learned counsel for the petitioner would submit that the wife is residing in his house which is constructed by the petitioner and the petitioner is paying a sum of Rs.42,000/- per month towards housing loan EMI and he is receiving a salary of Rs.93,000/- per month. At the same time, he is spending

a portion of his earning for paying E.M.I and to meet out the medical expenses and maintenance for his parents. Further the respondent has not proved the earning of the petitioner. Under these circumstances, the order passed by the Sub Judge, Tambaram regarding the order of interim maintenance warrant interference.

8. It is not in dispute that the petitioner and respondents are husband and wife. The respondent is residing in the house of the husband/petitioner, which is not denied by the wife. The respondent is living with the minor child. The petitioner is duty bound to maintain his daughter and the respondent/wife. Since the respondent residing in the house of the petitioner/husband, the order of the trial Court is modified as follows:

“The interim maintenance amount of Rs.30,000/- per month which is ordered by the trial Court is reduced to a sum of Rs.20,000/- per month towards interim maintenance of the respondent and his minor child.”

The order passed by the Sub Court, Tambaram remains unaltered in other respects.

P.VELMURUGAN, J.,

vum

9. With the above modification, the Civil Revision petition is disposed of. Consequently, connected Miscellaneous petition is closed. No costs.

20.06.2018

Index:Yes/No

Speaking order / Non speaking order

vum

To
The Sub Court,
Tambaram.



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