

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 27.06.2018****CORAM:****THE HONOURABLE MR. JUSTICE P.VELMURUGAN****CRP.(PD).No. 759 of 2018**

S.Viswanahtan

.. Petitioner

Vs.

Sowmini

.. Respondents

PRAYER : The Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the order made in I.A. No. 249 of 2017 in HMOP. No. 699 of 2014 dated 06.01.2018 on the file of the learned Judge, Sub Court, Tambaram.

For Petitioner : M/s.Jayakumari

For Respondents : Mrs.Sowmini
Party-in-person**ORDER**

The revision petitioner has filed a petition against the respondent for divorce in HMOP. No. 699 of 2014 on the file of Sub Court, Tambaram. The respondent herein has filed an interim application in I.A. No. 249/2017 claiming interim maintenance of Rs.50,000/- . After giving an opportunity to either side, the trial Court awarded interim maintenance of amount of Rs.30,000/- to the respondent. Feeling aggrieved by the said order the husband/revision petitioner herein filed the present petition.

2, Heard M/s. Jayakumar, the learned counsel appearing for the revision petitioner and Mrs.Sowmini, Party-in-Person appearing for the respondent.

3. The learned counsel for the petitioner would contend that in the trial Court, the petitioner has not stated anything about the work and had not produced any salary certificate to prove his income. The trial Court without any proof of earnings of the petitioner, has passed an order, directing the petitioner herein to pay a sum of Rs.30,000/- per month as interim maintenance to the respondent/wife. Therefore, the learned counsel for the petitioner prayed to set aside the order passed by the trial Court and allow the present revision petition.

4.The respondent appeared party in person and stated that her husband is working in the United States of America as software engineer and she is not employed in any company as stated by the revision petitioner. Therefore she filed an interim application seeking for interim maintenance. She further submitted that the revision petitioner is not cooperating for the early disposal of the case pending before the trial court and she requested to pay 50% of the interim maintenance fixed by the trial Court .

5. It is not in dispute that the petitioner and the respondent are husband and wife and the revision petitioner has filed a petition for divorce in HMOP. No. 669 of 2014 before the Sub Court, Tambarram. During pendency of the said petition, the respondent herein has filed an application for interim maintenance in I.A. No. 249 of 2017 and the trial Court has directed the petitioner herein to pay a sum of Rs.30,000/- per month towards interim maintenance to the respondent herein.

6. Though the respondent herein has stated that she is not employed anywhere and she is not earning any money as income and her husband/petitioner herein is working in USA and earning 7500 US dollars as salary, the respondent has not produced any document before the trial Court with regard to his employment and salary.

7. The trial Court on considering the fact that the revision petitioner is working in USA, awarded interim maintenance of Rs.30,000/-pm to the respondent/wife, which is not on the higher side as stated by the learned counsel for revision petitioner and it is a reasonable amount. Therefore, there is no illegality, infirmity and perversity in the order passed by the Sub Judge, Tambaram in I.A.No. 249 of 2017 in HMOP. No. 669 of 2014.

8. In the result, the revision petition is dismissed and the revision

petitioner is directed to pay 50% of the arrears amount to the respondent/wife within one month from the date of receipt of a copy of this order and thereafter, the revision petitioner is also directed to deposit the remaining 50% of the arrears amount to credit of HMOP.No.669 of 2014 on the file of Sub Judge, Tambaram within a period of six weeks from the date of deposit of arrears amount. After depositing of entire arrears amount, the learned Sub Judge is directed to ensure that there is no arrears of interim maintenance to be paid by the revision petitioner to the respondent/wife and thereafter dispose of both the OPs pending on his file within a period of six months thereon. No Costs.

27.06.2018

Internet :Yes/No
Index : Yes/No
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Note : Issue order copy by 11.07.2018

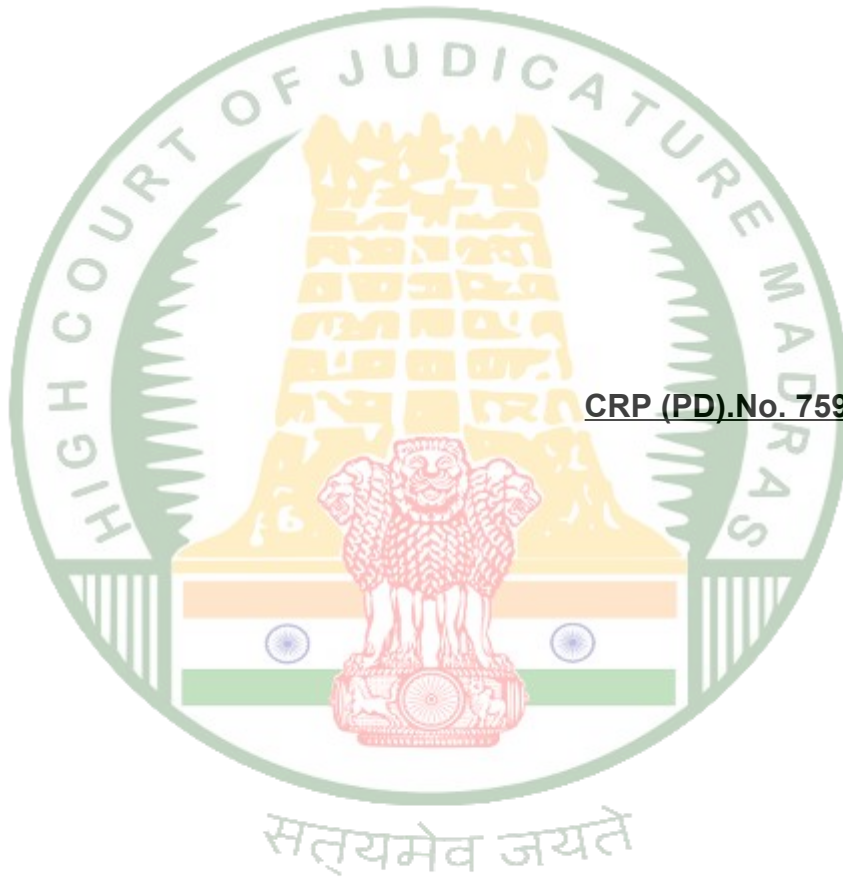
To

The Sub Judge,
Tambaram.

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P.VELMURUGAN J.,

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CRP (PD).No. 759 of 2018

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