

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.4287 of 2013
and M.P.No.1 of 2013

Aranganathan
(Represented by his General
Power Agent K.D.Balakrishnan) .. Petitioner

Vs.

Suguna .. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the
Constitution of India, against the fair and decretal order dated
17.09.2012 made in I.A.No.61 of 2011 in H.M.O.P.No.21 of 2011 on
the file of the Subordinate Court, Perambalur.

For Petitioner : Mr.Babu Rangasamy for
M/S.Babu Rangasamy Associates

For Respondent : Mr.S.S.Karthikeyan for
M/S.July Brain Law Offices

ORDER

The Civil Revision Petition is filed against the fair and decretal order dated 17.09.2012 made in I.A.No.61 of 2011 in H.M.O.P.No.21 of 2011 on the file of the Subordinate Court, Perambalur.

2.The petitioner is husband and respondent is wife. The petitioner filed H.M.O.P.No.21 of 2011 on the file of the Subordinate Court, Perambalur, against the respondent, for divorce. In the said H.M.O.P., respondent filed I.A.No.61 of 2011 for interim maintenance of Rs.5,000/- per month each for herself and minor child. According to the respondent, the petitioner is working in Abroad and is earning more than a sum of Rs.1,00,000/- per month. The petitioner is owning lands and house property at Kurur Village, Kunnam Taluk, Perambalur District. The respondent is not having any independent income to maintain herself and minor child and in the circumstances, she has filed present application claiming a sum of Rs.5,000/- per month each as interim maintenance to the respondent and minor child.

3.The petitioner filed counter affidavit and denied that he is earning Rs.1,00,000/- per month. According to the petitioner, the respondent is employed and has sufficient means to maintain herself and minor child. The respondent has given false complaint against the petitioner and his family members and only to harass the petitioner, respondent has come out with the present application. Hence, he prayed for dismissal of the application.

4.Before the learned Judge, both the petitioner and respondent did not let in any oral and documentary evidence.

5.The learned Judge considering the averments made in the affidavit and counter affidavit, ordered the application directing the petitioner to pay a sum of Rs.3,000/- each to the respondent and her minor female child towards interim maintenance.

6.Against the said order dated 17.09.2012 made in I.A.No.61 of 2011 in H.M.O.P.No.21 of 2011, the present Civil Revision Petition is filed by the petitioner/husband.

7.Heard the learned counsel for the petitioner as well as the respondent and perused the materials available on record.

8.The learned counsel for the petitioner contended that the learned Judge has failed to consider that the respondent is working in a private college and is earning sufficient income to maintain herself and minor child. The learned Judge has failed to see that even though the petitioner is working in Abroad, he is getting only meagre amount as his income. Both the contentions of the learned counsel for the petitioner are untenable. The petitioner has not produced any document to show that the respondent is working in a private college and is earning sufficient income to maintain herself and minor child. The petitioner is admittedly working in Abroad and represented the H.M.O.P. through his father as a Power Agent. The petitioner has not produced any document to show the income he is earning. The petitioner as a husband and as a father, has to maintain his wife and minor child. The learned Judge directed the petitioner to pay a sum of Rs.3,000/- each to the respondent and minor female child and the said amount ordered by the learned Judge is not exorbitant and it is only a reasonable amount.

9.The learned Judge considered all the above facts in proper perspective and ordered the application by giving cogent and valid reason. There is no irregularity or illegality warranting interference by this Court with the order of the learned Judge dated 17.09.2012.

10.In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

13.03.2018

Index:Yes/No

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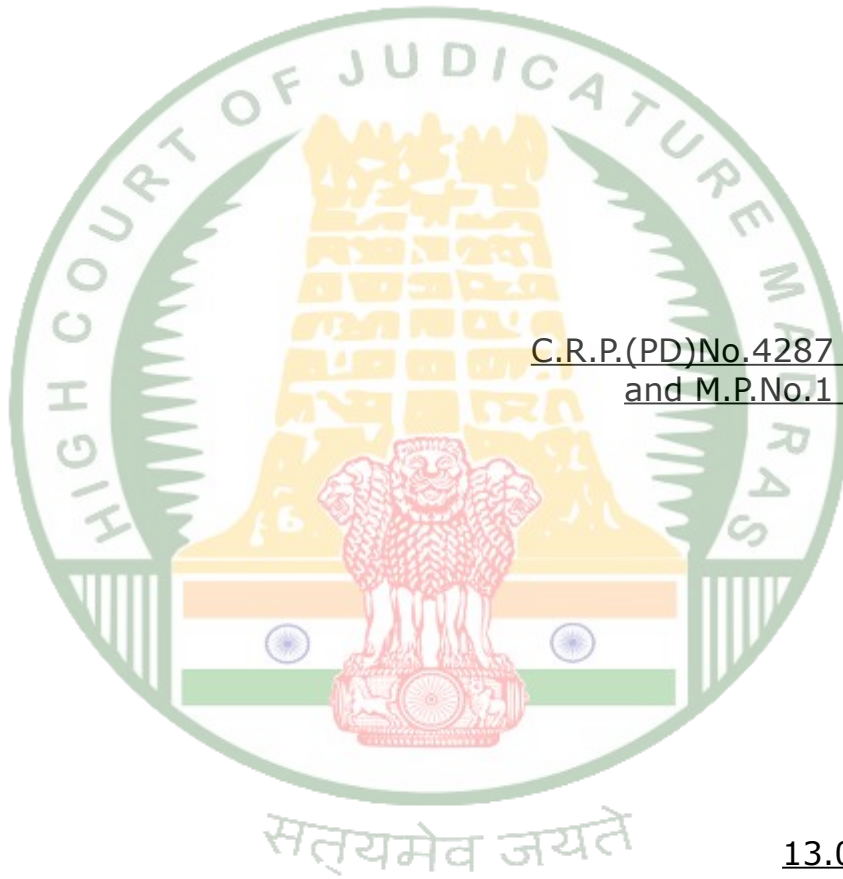
The Subordinate Judge, Perambalur.



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V.M.VELUMANI,J.

Kj



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