



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) No.670 of 2018

and

C.M.P. (MD) .No.2928 of 2018

Muralitharan

.. Petitioner/Respondent/
Defendant

vs.

1.Krishnaveni

2.Minor Lakshmanan Aravind

.. Respondents/
Petitioners/ Plaintiffs

(Minor through his mother,
guardianship and next friend
1st petitioner)

PRAYER : Civil Revision Petition filed under Section 115 of the Civil Procedure Code, against the fair and decretal order, dated 24.01.2018 made in E.P.No.99 of 2017 in O.S.No.123 of 2009 on the file of the Principal Sub Court, Tirunelveli.

For Petitioner : Mr.T.Selvan

ORDER

The revision petitioner is the husband. He got married to the first respondent on 28.11.1999. A child was also born. The marital relationship between them came under strain. Therefore, the respondents herein filed O.S.No.123 of 2009 before the Sub Court, Tirunelveli, seeking the relief of maintenance. An exparte decree came to be passed. To execute the same, the respondents filed E.P.No.99 of 2017, before the Principal Sub Court, Tirunelveli. The Court below by the impugned order dated 24.01.2018 directed attachment of the revision petitioner's salary to the extent of Rs.8,000/- per month. This order is questioned in this civil revision petition.

2. Heard the learned counsel for the revision petitioner.

3. The learned counsel for the revision petitioner submitted that the petitioner had already filed a petition for setting aside the exparte decree passed against him. He also pointed out that after deduction, he is getting only a sum of Rs.18,000/- and a further deduction of a sum of Rs.8,000/- towards maintenance from his salary would cause hardship to him.

4. I am unable to agree with the said submission. The petitioner's Gross Salary is Rs.23,000/-. Since the claim of maintenance is not only for the wife, but also the petitioner's minor son. The petitioner is obliged to satisfy the same. The Court below had passed a maintenance decree only for a sum of Rs.4,500/-



covering both the claimants. Since the petitioner did not discharge his legal and moral duty in maintaining them, the arrears got accumulated. The petitioner has to only blame himself. Therefore, the Court below was justified in passing the impugned order of attachment to the tune of Rs.8,000/- per month. No interference is called for. Hence, this Civil Revision Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is dismissed.

Sd/
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar(CS-III)

To

1. The Principal Subordinate Judge,
Tirunelveli.

2. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1cc to Mr.T.Selvan, Advocate, SR.No.78762

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PJL
KK/SV/SAR-3/20.09.2018/2P-5C