



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

C.R.P. (PD) (MD) No.993 of 2013

and

M.P. (MD) No.1 of 2013

A.Sebastian Selvaraj : Petitioner /Respondent
/Respondent

vs .

Jeyarose Mary : Respondent/Petitioner/
/Petitioner

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to reverse and set aside the fair and decreetal order in I.A.No.497 of 2012 in I.D.O.P.No.55 of 2011 on the file of the District Court, Tiruchirappalli, dated 19.11.2012.

For Petitioner : Mr.S.Ramesh
For Respondent : No appearance

ORDER

The petitioner in this civil revision petition is the husband and respondent is the wife.

2.The petitioner herein has filed I.D.O.P.No.55 of 2011 before the District Court, Trichirappalli for dissolution of the marriage between the petitioner and the respondent. The respondent wife has also filed I.D.O.P.No.53 of 2007 for restitution of conjugal rights. During the pendency of the proceedings, the respondent herein has filed I.A.No.497 of 2012 under Section 37 of Indian Divorce Act to direct the petitioner to pay maintenance of Rs.3,000/- per month. Though the petitioner in this civil revision petition has opposed on the ground that the respondent is also an employee and have independent source of income, the lower Court has partly allowed the petition filed by the respondent and directed the revision petitioner to pay a sum of Rs.2000/- per month as maintenance to the respondent after holding that the petitioner has not proved his case.

<https://hcservices.ecourts.gov.in/hcservices/>

3.Challenging the order passed by the lower Court, the present civil revision petition has been filed before this Court as against



the order in favour of the respondent to get a sum of Rs.2000/- as maintenance from the petitioner.

4.It is not in dispute that the respondent/wife is entitled to get interim maintenance during the pendency of litigation under Section 36 of Indian Divorce Act. Though the petitioner states that the respondent has suppressed the material facts and that the respondent/wife is running a fancy store, earning handsome income, there is no material placed before the lower Court to prove the contentions. Though the petitioner states that he is a coolie and earning only a meager salary, the petitioner has not proved his case but ignored his duty to maintain the respondent/wife.

5.Having regard to the facts that the order passed by the lower Court is supported by reasons, this Court unable to see any irregularity or illegality in the order passed by the lower Court in granting a sum of Rs.2000/- towards maintenance to the petitioner's wife.

6.In the result, this civil revision petition is dismissed. There is no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

The District Judge,
Trichirappalli.

+ 1 CC TO Mr.V.RAGHAVACHARI, ADVOCATE IN SR No. 59792

MSA

TE/KKR/SAR-2 : 20/04/2018 : 2P/3C

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