

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2019

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THE HONOURABLE **Ms.JUSTICE P.T.ASHA**

CRP(PD).No.272 of 2019

and

C.M.P.No.2089 of 2019

N.Saranya

.. Petitioner/Petitioner/Respondent

Vs

B.Purushothaman

..Respondent/Respondent/Petitioner

Civil Revision Petition filed under Article 227 of the Indian Constitution to set-aside the fair and Decretal Order made in I.A.No.45 of 2018 in HMOP.No.19 of 2018 dated 15.11.2018 on the file of Sub Court, Ulundurpettai and enhance the maintenance.

For Petitioner : Mr.N.Naganathan

ORDER

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The above application is filed challenging the order passed by the Sub Court Ulundurpettai, in I.A.No.45 of 2018 in HMOP No.19 of 2018, the wife is the revision petitioner. The respondent/husband had filed HMOP No.32 of 2015, seeking a divorce from the revision petitioner. The HMOP has been filed in the year 2015 and just when

the matter was posted for trial, the revision petitioner/wife came forward with an application claiming an interim maintenance of Rs.40,000/- from the Respondent/husband. It was her contention that her husband namely the respondent herein was employed as a computer operator/Technologist officer Pond's Exports Limited, which is a unit of Hindustan Unilever Limited, drawing a monthly of salary of Rs.85,000/- per month and receiving rental income. She also claimed litigation expenses on a sum of Rs.50,000/-. The Respondent/husband filed a counter in which he had denied the facts that he was employed with Pond's Exports Limited and he would contend that he was employee in M/s. Hindustan Unilever Limited on a salary of Rs.16,660/-, per month. Along with the counter, he had also filed the copy of the pay slip for the month of July, 2018. The petition for interim maintenance namely I.A.No.45 of the 2018 was filed on 20.07.2018.

2 The learned Subordinate Judge Ulundurpettai, on consideration of the evidence and the pleadings came to the conclusion that, since, the wife has not produced any documents to prove the factum that her husband, was earning of monthly salary of Rs.85,000/- and taking into consideration, the pay slip that has been filed on the side of the Respondent/husband, showing his monthly salary as Rs.16,660/-, had awarded the monthly maintenance of

Rs.4,000/-, per month and challenging the said order, the wife is before this Court.

3 This Court heard submissions of learned counsel for the petitioner and the learned counsel for the respondent and perused materials placed before it.

4 The Veracity of the pay slip was called in doubt, since it has not been signed by the employer and that she had not been given opportunity to cross-examine, the employer of the respondent. The learned counsel for the petitioner fairly admitted no notice had been taken to the employer and that no documents had been filed to substantiate the revision petitioner statement that the respondent was earning a monthly salary of Rs.85,000/-.

5 Considering the fact that the Respondent has produced a pay slip showing the monthly salary at Rs.16,600/-, it can be stated that the amount now directed to be paid as monthly maintenance by the learned Sub-ordinate Judge, Ulundurpettai is reasonable.

P.T.ASHA, J.

dua

6 I find no infirmity in the order passed by the learned Sub-ordinate Judge, Ulundurpettai. This Civil Revision Petition is dismissed and order passed in I.A.No.45 of 2018 in HMOP.No.19 of 2018, dated 15.11.2018, stands confirmed. Consequently, connected miscellaneous petition is also dismissed. No costs.

07.02.2019

dua/vji

Index: Yes/No
Internet: Yes/No
Speaking: Yes/No

To

The Sub Court,
Ulundurpettai.

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