

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2019

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

CRP.No.365 of 2019

and

C.M.P.No.2604 of 2019

T.Prasad

.. Petitioner

Vs

J.Gomathi

..Respondent

Civil Revision Petition filed under Article 227 of the Indian Constitution to set-aside the fair and Decretal Order dated 28.11.2018 passed in I.A.No.12 of 2018 in HMOP No.112 of 2017 on the file of the Sub-Judge at Avinashi.

For Petitioner : Mr.K.Myilsamy

O R D E R

The above application is filed by the petitioner/husband challenging the order of the learned Sub-Ordinate Judge, Avinashi, directing payment of monthly maintenance of Rs.10,000/- to the respondent herein/wife and Rs.5,000/- towards litigation expenses. The revision petitioner had filed a petition for divorce in HMOP No.112 of 2017 on the file of the Sub-Ordinate Judge, Avinashi. The wife/respondent filed HMOP No. 68 of 2018 for restitution of conjugal rights. Pending HMOP for divorce, the respondent/wife had come forward with a petition in IA.No.12 of 2018, claiming a sum of Rs.25,000/- towards legal expenses and monthly maintenance of Rs.18,000/-.

2 It was the case that the husband had deserted her after a female child was born and in fact he did not even take care of her during the delivery and the post delivery period. The entire medical expenses and hospital bills were met out and duly paid only by the parents and relatives of the respondent/wife by borrowing. She would also submit that her husband is working at Abu Dhabi and drawing over a sum of Rs.2,00,000/- per month as salary.

3 The petitioner herein countered the said contention stating that he is unemployed and that, all other submissions made on behalf of the respondent/wife, were false and that he had resigned his job on 26.01.2017 and till date he is searching

for a job, that he had availed of hand loan from different banks in Abu Dhabi etc.

4 The learned Subordinate Judge, Avinashi, on a detailed, consideration of the petition and the counter petition, ultimately awarded a sum of Rs.10,000/- per month towards interim maintenance and a sum of Rs.5,000/- towards the litigation expenses. The learned Judge opined that the plaintiff has not let in any evidence whatsoever to show that he has resigned from his job and that he is without work at present.

5 Be that as it may, considering the fact that the petitioner herein is the husband of the respondent and the father of the minor child, it is his duty to maintain them. Therefore, this Court finds no infirmity in the order passed by the learned Subordinate Judge, Avinashi.

6 In the result this Civil Revision Petition stands dismissed. No costs. Consequently connected miscellaneous petition is also dismissed.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dua

To

The Subordinate Judge,  
Avinashi.

+1cc to Mr.K.Myilsamy, Advocate sr.no.9478

CRP.No.365 of 2019  
and

C.M.P.No.2604 of 2019

nr 01/03/2019

WEB COPY