

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2019

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

CRP.No.921 of 2019 and
CMP.No.6023 of 2019

Saravanan .. Petitioner/Petitioner

Vs

Thulasi @ Saranya .. Respondent/Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and final order dated 04.07.2018, passed by Sub Court, Ponneri, made in I.A.No.54 of 2018 in H.M.O.P.No.138 of 2016.

For Petitioner : Mr.B. Jawahar

O R D E R

The above Civil Revision Petition is filed challenging the order of the Subordinate Judge, Ponneri in I.A.No.54 of 2018 in HMOP.No. 138 of 2016, whereby the learned Judge has directed the petitioner to pay a maintenance of Rs.10,000/- per month to the respondent and the minor child from the date of Petition till the date of disposal of the HMOP.

2. The main contention, based on which the revision petitioner is before this Court is that the revision petitioner had deposited a sum of Rs.3,89,000/- (Rupees Three Lakh Eighty Nine Thousand) in the name of the respondent with the State Bank of India, Gummidi Pundi Branch in deference at the time of marriage and that she is earning the interest from the said amount and it was the respondent/wife who had deserted him and thereafter caused a great deal of hindrance/harassment to him by filing complaints with the All Women's Police Station, Gummidipoondi, SIPCOT Police, Gummidipoondi etc. He would also contend that he is earning an income of only Rs.20,000/- per month and he is paying a sum of Rs.10,000/- towards rent.

3. The Trial Court took into consideration Ex.R1

which has been filed by the revision petitioner, which showed that he has been receiving a salary of Rs.23,401/- per month. Ex.R2 is the Bank-Challan, which is claimed to be an amount paid towards educational expenses of the minor child. However, the same has not been supported by examining witnesses and therefore it was rejected.

4. Though, the respondent/wife had claimed a sum of Rs.15,000/- towards interim maintenance and sum of Rs. 50,000/- towards litigation expenses, the Court below has only granted the consolidated a sum of Rs. 10,000/- and has rejected the wife's claim with reference to the litigation expenses.

5. Challenging the said order, revision petitioner has been before this Court.

6. Heard Mr.B.Jawahar, learned counsel for the revision petitioner, he would contend that the Court below has failed to appreciate the fact that the wife is also enjoying the interest from the fixed deposit. It is a known fact that interest on fixed deposit would be only at 8 per cent and out of this fixed deposit, the respondent/wife would only be earning interest of around 2,000/- per month. Considering the fact that the child is due to start his education and had already been admitted into a private convent at Gummidi Pundi. The sum of Rs.10.000/- is very reasonable and I do not find any infirmity with reference to the interim maintenance that has been granted. It is needless to state that while ultimately considering the alimony to be paid to the wife, the deposit made by the husband in her favour would definitely be taken into account by the Court below. The Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mrn

To

The Subordinate Judge, Ponneri.

+1 cc to Mr.Amar D.Pandiya, Advocate, Sr.No. 22266

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SS(CO)

CSL/25.04.2019