

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD).No.2747 of 2012
and M.P.No.1 of 2012

N.Krishnamurthy ... Petitioner

Vs.

Kavitha ... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order made in I.A.No.699 of 2008 in O.P.No.112 of 008 on the file of the I Additional Family Court Judge, Chennai dated 15.02.2011.

For Petitioners : Mr.Raja Vignesh
for Ms.G.Devi

For Respondent : No appearance

ORDER

Challenging the fair and final order passed in I.A.No.699 of 2008 in O.P.No.112 of 008 on the file of the I Additional Judge, Family Court, Chennai, the petitioner, who is the husband of the respondent has filed the above Civil Revision Petition.

2.The petitioner filed the Original Petition in O.P.No.112 of 2008 for divorce on the ground of cruelty. The respondent filed her counter and is contesting the Original Petition. In the said Original Petition, the respondent took out an application in I.A.No.699 of 2008 seeking for interim maintenance of Rs.20,500/- per month and a sum of Rs.15,000/- towards litigation expenses. In the affidavit filed in support of the petition, the wife has stated that the petitioner-husband is earning more than Rs.25,000/- as his monthly salary, apart from having many ancestral properties. Further, she has stated that the petitioner's grandfather left a property measuring an extent of 20 acres worth more than Rs.6 crores, yielding paddy crops, casuarina and banana trees. Further, she has stated that the petitioner-husband is also a milk vendor, having ten cows. According to the respondent-wife, the petitioner would be earning more than Rs.1 lakh. The petitioner-husband filed his counter wherein he has stated that he is working in a Private Company earning a salary of Rs.10,648/- per month and therefore, the amount claimed by the respondent-wife is very much on the higher side. He has also stated that he is ready and willing to pay a sum of Rs.1,000/- per months towards interim maintenance and Rs.2,000/- towards litigation expenses. The trial Court, taking into consideration the case of both parties, directed the petitioner-husband to pay a sum of Rs.3,500/- as monthly interim maintenance and a sum

of Rs.5,000/- towards litigation expenses.

3. Admittedly, the petitioner is employed and earning a monthly income. The respondent is not employed. In such circumstances, the respondent-wife is entitled to monthly maintenance from the petitioner-husband. Since the petitioner's monthly salary is Rs.10,648/- as per Ex.R1 and also that the petitioner is having properties, the trial Court has rightly award the sum of Rs.3,500/- per month as monthly interim maintenance and a sum of Rs.5,000/- towards litigation expenses. Taking into consideration the cost of living in the present days, the award of Rs.3,500/- per month as interim maintenance is very nominal. In these circumstances, I do not find any ground to interfere with the order passed by the Family Court. The Civil Revision Petition is devoid of merits and the same is dismissed. No costs.

Index : Yes/No

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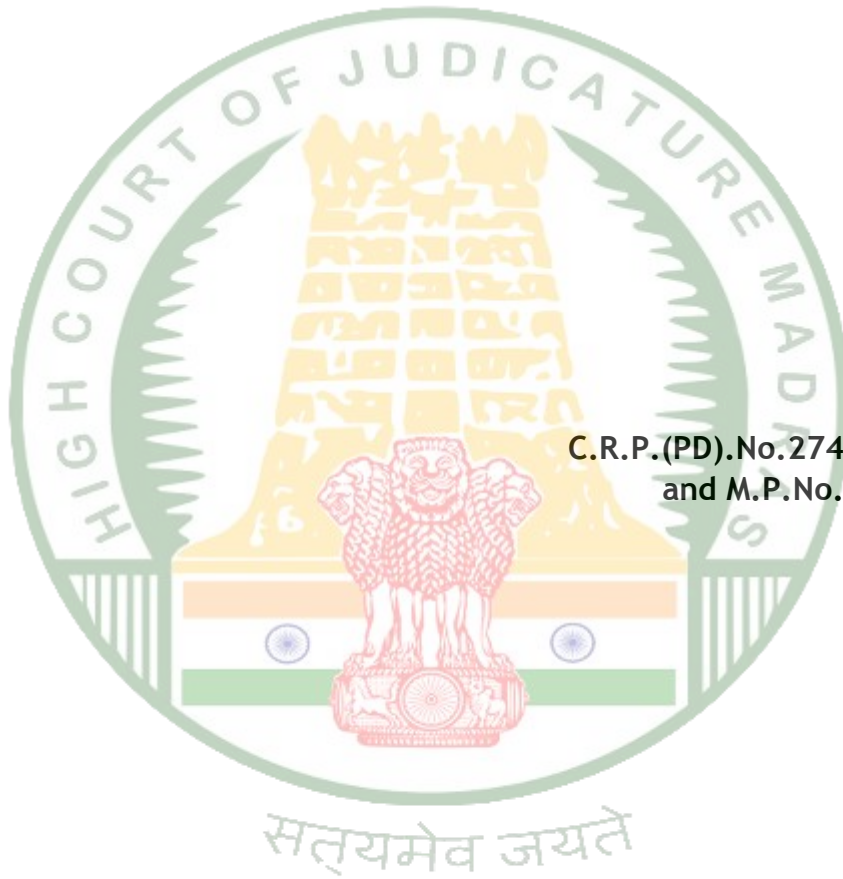
1. The I Additional Judge, Family Court, Chennai

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M.DURAIWAMY,J.

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