

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

C.R.P. (PD) No. 143 of 2018

and

C.M.P.No. 725 of 2018

R.Kabeerdas

...Petitioner

Vs

P.R.Jayanthi

...Respondent

Prayer: Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the fair and decreetal of the Learned Subordinate Judge, Udthagamandalam in I.A.No.25 of 2017 in H.M.O.P.No.31 of 2016, dated 23.03.2017 and allow this Civil Revision Petition.

For Petitioners : M/s.J.Franklin

For respondents : Ms.G.Annapoorani
for M/s.Poongulali**ORDER**

The fact that the respondent is the wife of the petitioner is not under dispute. The petitioner herein challenged the order under Section 24 of the Hindu Marriage Act whereby a sum of Rs.10,000/- was granted as maintenance for the children of the respondent herein.

2. The learned counsel for the petitioner would submit that the respondent herein has sufficient means to maintain herself and as such the Trial Court was not justified in granting her maintenance at the rate of Rs.10,000/- per month. He would further submit that he does not possess sufficient income to pay a sum of Rs.10,000/-.

3. The learned counsel for the respondent on the other hand would submit that, she had absolutely no means to maintain herself and since she is also now maintaining her two children and spending a considerable amount towards their education and daily expenses, the amount of Rs.10,000/- was very paltry and as such no interference is required. The learned counsel would also submit that the petitioner herein has not produced any documents to substantiate that she had independent means of income. Even otherwise, the learned counsel would submit that the petitioner is not gainfully employed anywhere and as such, there is no infirmity in the order of the learned Subordinate Judge, Udhagamandalam.

4. I have given careful consideration to the submissions made by the respective counsels.

5. Though the petitioner has raised certain grounds in his counter to the application made by the petitioner under Section 24 of the Hindu Marriage Act,

he had not produced any documents to substantiate that the respondent herein possessed of means to maintain herself. It is a settled proposition of law that when the relationship of a husband and wife is not in dispute, a Hindu husband is bound to maintain his wife in the absence of any means for her to maintain herself. Such a maintenance amount should be in conformity with the expenditure required for the bare necessities of the wife.

6. In the present case, it is not in dispute that the respondent herein is not only taking care of herself but also the expenses of her two children. Though this Court is not convinced that a sum of Rs.10,000/- per month will be sufficient to maintain all the three persons, since the respondent had not chosen to file an application questioning the quantum of maintenance, I am constrained to confirm the order passed by the Trial Court granting the maintenance of Rs.10,000/- per month.

सत्यमेव जयते

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7. In view of the above observations, no interference is required in the order under challenge in the present Revision. Accordingly, the present Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index:Yes/No
Speaking Order: Yes/No
mrm

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