

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2019

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

C.R.P.No.2503 of 2013
and M.P.No.1 of 2013

Duraisamy

... Petitioner

Vs.

Jayamani

... Respondent

Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 05.02.2013 made in I.A.No.376 of 2012 in H.M.O.P.No.257 of 2011 on the file of the Principal Sub Court, Erode.

For Petitioner : Mr. N.Manokaran

For Respondents: No appearance

O R D E R

Challenging the order passed in I.A.No.376 of 2012 in H.M.O.P.No.257 of 2011 on the file of the Principal Sub Court, Erode, the petitioner, who is the husband of the respondent, has filed the above Civil Revision Petition.

2.The petitioner filed H.M.O.P.No.257 of 2011 for divorce. The respondent filed her counter and is contesting the Original Petition. In the said Original Petition, the respondent/wife filed an application in I.A.No.376 of 2012 claiming interim monthly maintenance of Rs.5,000/- and a sum of Rs.5,000/- towards costs. In the affidavit filed in support of the petition, the respondent has stated that the petitioner is doing second hand vehicle business and he has also constructed a house. Further, she has stated that the petitioner has deposited a sum of Rs.75,000/- in a Fixed Deposit, appointing her as the nominee. The petitioner filed his counter disputing the averments stated in the affidavit filed in support of the petition contending that he was not earning anything and that the respondent/wife ill-treated him. The trial Court, taking into consideration the case of both parties, awarded a sum of Rs.1,500/- as monthly maintenance to the petitioner. While arriving at the said figure, the trial Court observed that the petitioner was doing tailoring work and was earning only a

meager amount, therefore, awarding a meager amount towards interim maintenance would be justifiable.

3.Taking into consideration the present days cost of living, the award of Rs.1,500/- per month as interim maintenance is very meager. Admittedly, the respondent is unemployed. Therefore, the award of Rs.1,500/- per month as interim maintenance cannot be stated to be on the higher side. In such view of the matter, I am not inclined to interfere with the order passed by the trial Court. The Civil Revision Petition is devoid of merits and the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

va
To

The Principal Subordinate Judge, Erode

+1 CC to Mr.N. Manoharan, Advocate sr 85143.

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SVI (CO)
SP(06/11/2019)

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