

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2019

CORAM

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN**

CRP(PD).No.3703 of 2014

and

M.P.No.1 of 2014

Muthukumar

... Revision Petitioner  
/Respondent

Versus

Bhuvaneswari

... Respondent/Petitioner

This Civil Revision Petition has been filed under Section 227 of the Constitution of India, to set aside the fair and decreetal order dated 02.07.2014 passed in I.A.No.47 of 2013 in HMOP.No.122 of 2012, on the file of the learned Subordinate Judge, Chidambaram.

For Petitioner : Mr.R.Gururaj  
For Respondent : No appearance

**J U D G M E N T**

This Civil Revision Petition has been filed to set aside the fair and decreetal order passed in I.A.No.47 of 2013 in HMOP.No.122 of 2012, on the file of the learned Subordinate Judge, Chidambaram, dated 02.07.2014.

2 The revision petitioner is the husband and the respondent is the wife and due to the wedlock they got a male child on 01.09.2004. The respondent herein/wife has filed HMOP.No.122

of 2012 before the Sub Court, Chidambaram for divorce and pending HMOP also filed I.A.No.47 of 2013 seeking interim maintenance for herself and for her male child.

3 The petitioner herein/husband has filed a counter stating that he is not owning cement works but however, he works only as a coolie and earning a sum of Rs.5,000/- only and further stated that he has to look after his parents. In the enquiry, the wife had filed Ex.P1/Birth Certificate of the son viz.,Sivaraja, Ex.P2/Birth Certificate of the daughter viz., Sivaranjani and Ex.P3/School expenses for son. The daughter reported to be dead pending proceedings. On behalf of the petitioner/husband, he examined himself as RW1 and marked Exs.R1 to R5 to the effect that he has not owning any land as pleaded by the respondent/wife before the Trial Court. The Trial Court has awarded a sum of Rs.5,000/- and hence, the revision by the revision petitioner/husband.

4 Heard both sides and perused the materials placed on record.

5 After hearing the learned counsel for the revision petitioner/husband and also perusing the documents Exs.R1 to R5,

it is clear that though the respondent was served and none appeared for the respondent. Therefore, this Court is of the considered view that though the respondent/wife has made a false claim that her husband is owning Ragavendra Cement Works, the same was not proved in the manner known to law and Ex.R1 to R5 would show that he is not the owner of the cement works and hence, taking into consideration the cost of living at the relevant point of time, this Court is of the considered view that Rs.2,000/- for the wife and Rs.1,000/- for the son would meet the ends of justice, taking into consideration the earning capacity of the petitioner/husband and his liability to maintain his parents.

6 In the result, the Civil Revision Petition stands partly allowed to the extent indicated above and the sum of Rs.5,000/- is reduced to Rs.3,000/- and arrears of maintenance has to be paid at the rate of Rs.3,000/- within a period of eight weeks from the date of receipt of copy of this order and the learned Trial Judge is directed to dispose of HMOP within a period of sixteen weeks from thereafter. No costs. Consequently, connected Miscellaneous Petition is closed.

**02.12.2019**

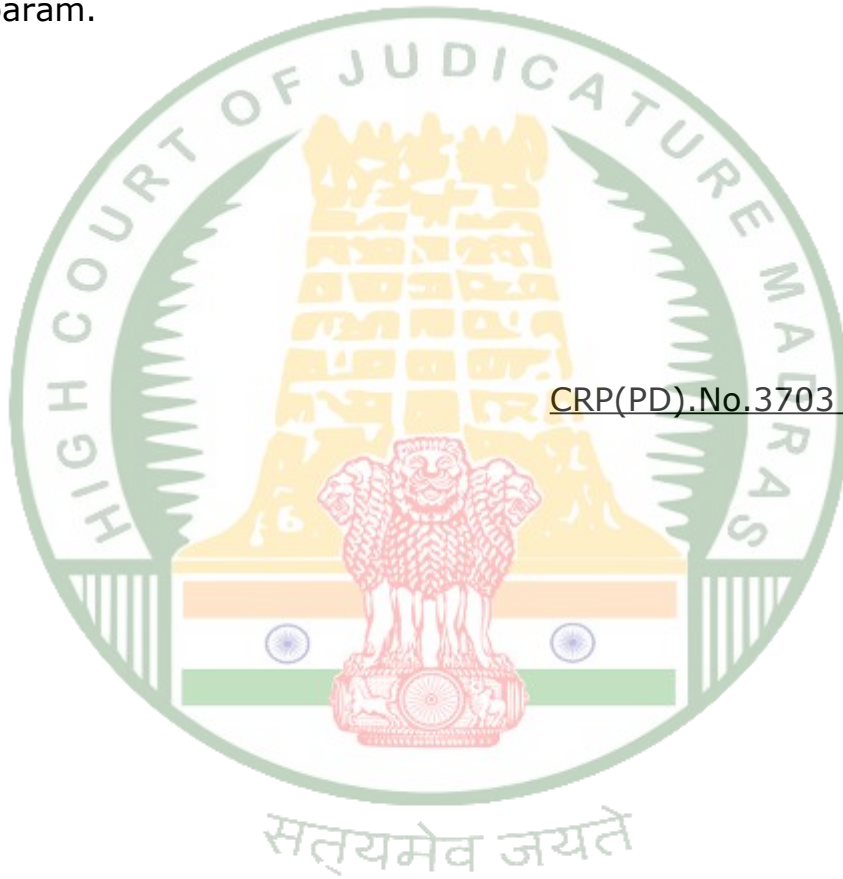
dua  
Speaking Order:Yes/No

**RMT.TEEKAA RAMAN., J.**

dua

To

The Subordinate Judge,  
Chidambaram.



CRP(PD).No.3703 of 2014

WEB COPY

02.12.2019