

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.No.3856 of 2018

&

C.M.P.No.21470 of 2018

P.Arunkumar

...Petitioner/Respondent/Respondent

Vs

K.Vidhya@Durga

... Respondent/Petitioner/Petitioner

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 26.06.2018 passed in I.A.No.283 of 2018 in H.M.O.P.No.692 of 2017 on the file of the Subordinate Judge, Tambaram.

For Petitioner : Mr.J.Saravana Vel

For Respondent : Mr.G.Desingh

ORDER

The above Civil Revision Petition is filed challenging the order passed in I.A.No.283 of 2018 in H.M.O.P.No.692 of 2017, wherein the wife has claimed a sum of Rs.25,000/- per month as interim monthly maintenance. In the affidavit filed in support of the petition under Section 24 of the Hindu Marriage Act, 1955, she would submit that the revision petitioner is working in an IT Company, earning a sum of Rs.50,000/- per month and therefore he is bound to maintain her since she was a job less.

2.The revision petitioner on his side would submit that the respondent herein is M.B.A. Graduate capable of eking her livelihood and that on account of the torture he had suffered in the hands of the respondent he had been forced to give up his Job and is now without work and doing contractual jobs for a sum of Rs.500/- per day. Though the respondent has come forward with a case that the husband is earning a sum of Rs.50,000/-, no documents whatsoever has been filed on her side.

3.The learned Subordinate Judge, Tambaram has ordered a sum of Rs.10,000/- as a monthly maintenance without assigning any

reasons except stating the present price index and the respondent herein is entitled to live in a style of the revision petitioner. The learned Judge has not averted to the contentions raised by the revision petitioner in his counter that he is no longer engaged in a job and hardly earning day to day salary to sustain himself. It is also to be taken note of that the respondent is capable of earning herself, since she is M.B.A. graduate but is deliberately not taking any steps in this direction.

4. In these circumstances, this Court feels that Rs.10,000/- is on the higher side, therefore, the interim maintenance is modified to a sum of Rs.7,500/- per month. The counsel for the respondent would submit that he has deposited a sum of Rs.75,000/- towards arrears of maintenance. As on February 2019, the revision petitioner is liable to pay a balance of Rs.22,500/- towards arrears and he shall pay the said sum within a period of four weeks from the date and shall also pay the monthly maintenance that will fall due for the month of March 2019 and ensure that the monthly maintenance reaches the wife on or before 5th of every succeeding English Calendar month.

The Civil Revision Petition is partly allowed modifying the order of the Subordinate Judge, Tambaram with reference to the quantum of maintenance. There shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

kan

To,

The Subordinate Judge, Tambaram.

Copy To : The Section Officer, VR Section High Court, Madrs

+1cc to Mr.J.Saravanel, Advocate SR.No.24333

C.R.P.No.3856 of 2018 &
C.M.P.No.21470 of 2018

VBA (CO)
GMY (09/04/2019)