



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2019

CORAM :

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

C.R.P. (MD) (PD)No.1396 of 2011

and

M.P. (MD)No.1 of 2011

V.A.Mariappan

:Petitioner

vs.

Saraswathi

:Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order, dated 31.01.2011, passed in I.A.No.51 of 2009 in H.M.O.P.No.63 of 2007 on the file of the Subordinate Court, Sankarankovil.

For Petitioner

:Mr.D.Nallathambi

For Respondent

:Mr.S.Ramesh @ Ramiah

ORDER

This Civil Revision Petition is preferred by the husband as against the order passed by the lower Court in I.A.No.51 of 2009 in H.M.O.P.No.63 of 2007, dated 31.01.2011.

2.The revision petitioner earlier filed H.M.O.P.No.43 of 2004 before the Subordinate Court, Sankarankovil, for restitution of conjugal rights under Section 9 of Hindu Marriage Act, 1955. It is stated that the said petition was allowed, based on the compromise recorded by the Court. Thereafter, the revision petitioner filed a petition in H.M.O.P.No.63 of 2007 before the Subordinate Court, Sankarankovil, for dissolution of marriage between the revision petitioner and the respondent, which was solemnized on 24.06.1999, on the ground of desertion.

3.During the pendency of the proceedings, the respondent/wife filed a petition in I.A.No.51 of 2009 seeking interim maintenance at the rate of Rs.3,000/- per month and also for getting a sum of Rs.10,000/- towards litigation expenses. Though the said petition was opposed by the revision petitioner, the lower Court on



appreciation of various documents, found that the wife is entitled to get a sum of Rs.1,950/- as monthly maintenance and a sum of Rs.5,000/- towards litigation expenses. Aggrieved by the same, the revision petitioner/husband has filed the above Civil Revision Petition.

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4.It is admitted that the revision petitioner is working as an Assistant in Panchayath Union. At the time of filing of the petition, the salary of the petitioner was stated to be only Rs.4,950/-. It is contended that the petitioner's salary is more than 7,000/- now and that the petitioner has other source of income. In the petition filed by the wife, it is stated that the revision petitioner has got other income. The fact that the petitioner is not maintaining the respondent and his children is not in dispute. Considering the financial status of the petitioner, the lower Court has allowed only a sum of Rs.1,950/- towards monthly maintenance and a further sum of Rs.5000/- towards litigation expense.

5.Having regard to the evidence and material on record, this Court has no reason to interfere with the findings of the lower Court. Accordingly, this Civil Revision Petition is dismissed and the order passed by the Subordinate Judge, Sankarankovil, in I.A.No.51 of 2009 in H.M.O.P.No.63 of 2007, dated 31.01.2011, is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

The Subordinate Judge, Sankarankovil.

+1 CC to Mr.S.RAMESH ALIAS RAMIAH, Advocate SR-79532.

+1 CC to Mr.D.NALLATHAMBI, Advocate SR-79861.

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