



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2019

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THE HONOURABLE MRS. JUSTICE S. RAMATHILAGAM

C.R.P. [MD] No. 274 of 2019

and C.M.P. [MD] No. 1326 of 2019

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S. Baghuthilinlist Raj : Revision Petitioner/
Respondent/Petitioner

Vs.

1. S. Beula

2. B. Bibina (Minor) : Respondent/ Petitioners/
Respondents

(Minor Respondent represented by her mother 1st Respondent herein)

PRAYER: Petition filed under Article 227 Constitution of India, by setting aside the Fair and Decreetal Order dated 13.12.2018 passed in I.A.No. 369 of 2018 in I.D.O.P. No. 326 of 2018, on the file of the learned Additional District and Sessions Judge, (Fast Track Court), Kanniyakumari at Nagercoil.

For Petitioner : Mr. R. Nandakumar

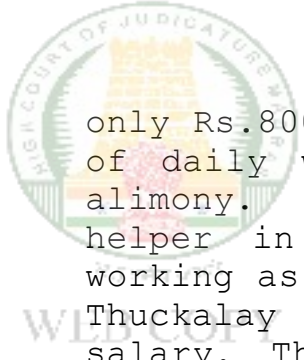
ORDER

This Civil Revision Petition has been filed to set aside the Fair and Decreetal Order dated 13.12.2018 passed in I.A.No. 369 of 2018 in I.D.O.P. No. 326 of 2018, on the file of the learned Additional District and Sessions Judge, (Fast Track Court), Kanniyakumari at Nagercoil.

2. The revision petitioner/husband has filed I.D.O.P. No.326 of 2018, before the learned Additional District & Sessions Judge, Kanyakumari District at Nagercoil, seeking the relief of divorce. During the pendency of the main petition, the respondents herein has filed an interlocutory application in I.A. No.369 of 2018, under Section 36 of the Indian Divorce Act, 1869, for interim alimony and the said petition was partly allowed and the Trial Court has directed the revision petitioner herein/husband to pay a sum of Rs.6000/-as interim alimony and to pay Rs.6,000/-as litigation expenses to the respondents herein. Aggrieved over the same, the revision petitioner has filed the present Civil Revision Petition.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. When the matter is taken up for admission, the learned counsel for the revision petitioner submitted that his salary is



only Rs.8000/- (Rupees Eight Thousand Only) per month earned by way of daily wages and there is no excess income to pay monthly alimony. The revision petitioner is only working as a carpenter helper in the residing locality. The 1st respondent/wife is working as a Teacher in a Matriculation Higher Secondary School in Thuckalay and she is earning a sum of Rs.10,000/-per month as salary. The learned counsel for the revision petitioner would submit that the Trial Court awarded an interim alimony of Rs.6000/- and another Rs.6000/-as litigation expenses without proper reasoning.

5. The grievance of the petitioner is that his salary is only Rs.8000/-as daily wages, he is maintaining himself as well as his parents and hence, the revision petitioner is unable to pay the award amount fixed by the Trial Court.

6. Considering the facts of the case, this Court is of the view that the bounden duty of this petitioner is to pay maintenance, but the petitioner/respondent has not paid the maintenance amount to his wife and minor child. Therefore, this Court is not inclined to allow this Civil Revision Petition and the same is liable to be dismissed.

7. Accordingly, the Civil Revision Petition is dismissed by confirming the Fair and Decreetal Order, dated 13.12.2018 in I.A.No. 369 of 2018 in I.D.O.P. No. 326 of 2018, passed by the learned Additional District and Sessions Judge, (Fast Track Court), Kanniyakumari at Nagercoil. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To
The Additional District and Sessions Judge,
(Fast Track Court),
Kanniyakumari at Nagercoil.

+1 CC to M/s.R.NANDAKUMAR, Advocate(SR-45970[F] dated 11/02/2019)

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