



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2019

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) No.504 of 2019 (PD)

and

C.M.P. (MD) .No.2511 of 2019

Sathishkumar @ Kangadharan

... Petitioner/
Respondent/ Petitioner

Vs.

Pavithra

.. Respondent/
Petitioner/ Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 23.01.2019 in I.A.No.165 of 2018 in H.M.O.P.No.268 of 2017 on the file of the Subordinate Court, Theni.

For petitioner : Mr.R.Manoharan

ORDER

This civil revision petition has been filed by the petitioner against the order, dated 23.01.2019, passed in I.A.No.165 of 2018 in H.M.O.P.No.268 of 2017, whereby and whereunder the Court below allowed the petition filed by the respondent for interim maintenance and directed the petitioner to pay Rs.5,000/- p.m. to the respondent for maintenance.

2. It is stated in the petition that the petitioner and the respondent are husband and wife, and the marriage between them was solemnized on 09.11.2014. They lived happily for some time. Due to difference of opinion, the petitioner filed H.M.O.P.No.268 of 2017 for dissolution of marriage. During the pendency of the said petition, the respondent/wife filed I.A.No.165 of 2018 for interim maintenance stating that the petitioner has been working as Village Administrative Officer and earning Rs.30,000/- p.m. and she has no wherewithal to maintain herself and therefore, the petitioner herein may be directed to give Rs.15,000/- p.m. as interim maintenance. The Court below has allowed the said application and directed the petitioner to pay Rs.5,000/- as interim maintenance. Challenging the said order, the petitioner is before this Court.

3.The learned counsel appearing for the petitioner submitted that the respondent has been working as Teacher and earning a sum of Rs.10,000/- p.m. and apart from this, her father is working as Senior Clerk in Theni Municipality and earning Rs.30,000/- p.m..



The respondent has been receiving Rs.6,000/- through house properties. But, on the other hand, the petitioner has to take care of his aged mother and grandmother and their medical expenses and other expenses. The petitioner has to repay the loan borrowed for his sister's marriage. More over, the petitioner is also suffering heart ailment since December, 2016, for which he has been spending Rs.3,000/- towards medicine and other related medical expenses. The Court below, without considering the above aspects, has erroneously ordered to pay Rs.5,000/- as monthly maintenance to the respondent. Thus, he prayed to set aside the impugned order.

4. Heard the learned counsel for the petitioner and perused the materials available on records carefully.

5. Admittedly, the petitioner has not disputed that he has been working as Village Administrative Officer and earning Rs.30,000/- p.m. Though the petitioner has stated that the respondent has wherewithal to maintain herself, he does not produce any document in order to prove the same. Though the respondent has claimed Rs.15,000/- p.m. for interim maintenance, considering the financial obligation expressed by the petitioner, the Court below has ordered to pay Rs.5,000/- p.m. as monthly maintenance to the respondent. This Court does not find any reason to interfere with the said finding of the Court below. There is no merit in this petition. Hence, this petition is liable to be dismissed.

6. In view of the above, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Subordinate Judge, Theni.

2.The Record Keeper, V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

C.R.P. (MD) No.504 of 2019 (PD)
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TR (27.06.2019) 2P 4C