



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2019

CORAM

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

CRP (MD) .No.535 of 2019 (PD)

and

C.M.P. (MD) .No.2657 of 2019

S.P.Pushbaraj ... Petitioner/Respondent/Respondent

Vs.

1.K.Subbulakshmi
2.Minor Deepakraj ... Respondents/Petitioners/Petitioners
(2nd Respondent minor represented
through his mother 1st Respondent)

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 31.08.2018 in I.A.No.88 of 2017 in I.D.O.P.No.33 of 2015 on the file of the Principal District Court, Dindigul.

For Petitioner : Mr.A.Arul Jenifer

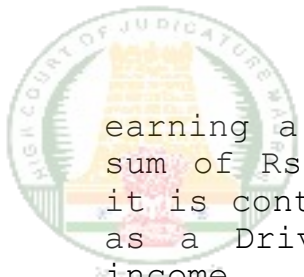
ORDER

This Civil Revision Petition has been preferred against the order, dated 31.08.2018, passed in I.A.No.88 of 2017 in I.D.O.P.No.33 of 2015, by the Principal District Court, Dindigul.

2.The first respondent, who is the wife of the revision petitioner herein, has filed I.A.No.88 of 2017 for maintenance. The revision petitioner has filed I.D.O.P., for dissolving of the marriage solemnized between the first respondent and the petitioner.

3.In the I.A, the first respondent herein states that the marriage was solemnized on 03.05.2006 and out of their wedlock, a son was born to them. It is further stated that after the birth of the child, the revision petitioner treated her with cruelty and also harassed her by demanding more dowry and she was driven out from her matrimonial home, without any reason and now, they are living separately. she is only taking care of her son by providing education, food, shelter and essential needs and now, she is suffering a lot without any assistance from anybody. Hence, she sought for interim maintenance at Rs.10,000/- per month each and also for litigation expenses at Rs.20,000/-.

4.The revision petitioner/husband has contended that she has not filed any document to prove that the revision petitioner is



earning a sum of Rs.75,000/- from agriculture and also earning a sum of Rs.50,000/- per month, by money lending business, whereas, it is contended by the revision petitioner/husband that he employed as a Driver on daily wages and he has no permanent and fixed income.

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5.The trial Court, while observing the contention raised by both sides and considering the fact that the marriage between the petitioner and the first respondent was held in the year 2006 and on the date of filing the petition for divorce, they are living separately and since the first respondent is having a child, it is her responsibility to provide all the requirements for the child, she is suffering for their livelihood and when it is the case of the first respondent that the revision petitioner/husband is earning through agriculture and money lending, he is duty bound to pay maintenance for the first respondent and her son, partly allowed the I.A. Against the said order, the present Civil Revision Petition has been filed.

6.In the counter statement, the revision petitioner simply denies the said facts, however, the first respondent has not very much denying the source of income as stated by the revision petitioner.

7.Considering the dispute between the revision petitioner and the first respondent, the trial Court has partly allowed the said I.A by ordering a sum of Rs.3,000/- per month as maintenance and also a sum of Rs.10,000/- towards litigation expenses and hence, the order of the trial Court is very much reasonable, which does not warrant any interference at the hands of this Court.

8.Accordingly, this Civil Revision Petition is dismissed. However, it is the grievance of the petitioner herein that the first respondent is living with one John Bosco and hence, she is not entitled to get any maintenance and the case is also in the part-heard stage and he has also deposed before the trial Court regarding the affair of the first respondent. But, the petitioner herein has not denied his responsibility for providing the maintenance, when she is living separately. Therefore, the trial Court is directed to proceed with the case and dispose of the same at the earliest, within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

Sub Assistant Registrar (CS)



To

1. The Principal District Judge,
Dindigul.

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Copy to

The Record Keeper,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1CC TO MR.S.ABUTHAHEER, Advocate Sr. No. 55279

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TR (12.04.2019) 3P 5C