



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.03.2019
CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

C.R.P. (PD) (MD) No.2484 of 2015

and

M.P. (MD) No.1 of 2015

Sangilikalai .. Petitioner/Respondent/Petitioner

Vs.

Gurulakshmi .. Respondent/Petitioner/Respondent

Prayer: This Civil revision petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 28.08.2015 made in I.A.No.142 of 2011 in H.M.O.P.No.225 of 2010 on the file of the Sub Court, Srivilliputhur.

For Petitioner
For Respondent

: Mr.R.Gandhi
: Mr.T.Indrachithu

ORDER

Heard Mr.R.Gandhi, learned counsel appearing for the petitioner and Mr.T.Indrachithu, learned counsel appearing for the respondent.

2.This Civil Revision Petition has been filed against the order passed on 28.08.2015 made in I.A.No.142 of 2011 in H.M.O.P.No.225 of 2010 on the file of the Sub Court, Srivilliputhur.

3.The petitioner herein is the husband and the respondent herein is the wife of the petitioner. The petitioner filed H.M.O.P.No.225 of 2010 seeking for a prayer of divorce before the learned Sub Judge, Sriviliputhur. In that petition, the respondent has filed a petition in I.A.No.142 of 2011 seeking for a relief of temporary maintenance. The trial Court has ordered a maintenance of Rs.2,500/- (Rupees Two Thousand and Five Hundred only) per month and Rs.3,000/- (Rupees Three Thousand only) towards the cost of litigation. Against the order, the petitioner has come forward with this petition.

4.On the side of the petitioner, it is stated that the wife is having a contagious disease and she has deserted the husband for the past 12 years and suppressing the disease, the respondent has married the petitioner and there is cruelty on the part of the wife and due to the act of the respondent, the petitioner is not able to either to live with her or to marry some body else.



5. On side of the respondent, it is stated that the respondent is having breast cancer and only after knowing the same, the petitioner married the respondent because she was beautiful and that after the marriage, the petitioner deserted the respondent and that the respondent never claimed maintenance earlier and the father of the respondent is also more than 70 years old and he is unable to work. Since she is very sick now and is unable to maintain herself, the respondent has filed a petition for maintenance and prayed this petition to be dismissed.

6. It is seen that a divorce petition is filed by the husband and the contention of the petitioner is that the divorce case ended in his favour but no copy of the Judgment was produced before this Court. Except the allegation stated in the H.M.O.P., the petitioner has not raised any other points to decide the question of maintenance in this revision petition. The marriage is admitted. The fact that the respondent is having breast cancer is not disputed by the husband. It is the duty of the petitioner to maintain his wife and the amount of Rs.2,500/- (Rupees Two Thousand and Five Hundred only) is a reasonable amount. An interim order is maintainable till the disposal of the main O.P.

7. In the above circumstances, there is nothing sufficient enough to interfere in the order passed by the trial Court. The respondent is at liberty to file fresh maintenance petition before the proper forum after the disposal of H.M.O.P.

8. With the above direction, this Civil Revision Petition is dismissed. No Costs. Consequently, M.P.(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar (ADI)

// True Copy //

Sub Assistant Registrar (CS)

To

The Sub Judge, Srivilliputhur.

+1 CC to M/s.R.GANDHI, Advocate (SR-56170[F] dated 25/03/2019)

MRN

C.R.P. (PD) (MD) No.2484 of 2015

21.03.2019