

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23..01..2020
CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Civil Revision Petition No.115 of 2020

N.Pradeep Raj

... Petitioner

-Versus-

D.Priya

... Respondent

Petition filed under Article 227 of the Constitution of India, praying to set aside the order dated 17.10.2019 made in I.A.No.116 of 2015 in I.D.O.P.No.209 of 2013 by the learned Principal District Judge, Tiruvallur.

For Petitioner : Mr.N.Sudharsan

For Respondent : Mr.S.William

ORDER

This civil revision petition is directed against the order of the learned Principal District Judge, Tiruvallur, directing the petitioner herein to pay a sum of Rs.5,000/- to the respondent (wife) and a sum of Rs.3,000/- to the child of the petitioner and the respondent towards maintenance and a sum of Rs.5,000/- towards litigation expenses.

2. The petitioner is the respondent in I.D.O.P.No.209 of 2013 on the file of the learned Principal District Judge, Tiruvallur. The said original petition has been filed in the year 2013 for divorce on the grounds of cruelty, desertion and adultery and the same has been pending. Pending the above said original petition, the respondent (wife) filed an interlocutory application for interim maintenance of Rs.20,000/- for herself and her minor child and a sum of Rs.25,000/- towards litigation expenses. Upon hearing both the parties, the court below ordered for maintenance as already stated supra. Aggrieved by the same, the respondent therein is before this court with the instant revision petition.

3. I have heard the learned counsel for the petitioner and the learned counsel for the respondent and also perused the records carefully.

4. According to the respondent, the petitioner is a diploma-holder in catering technology and he was working as Chef in a

Star Hotel in Bangalore and getting a decent salary of not less than Rs.40,000/- per month. Soon after the marriage, the respondent had deserted her without any sufficient cause and thereafter, filed a divorce petition and the same is pending for more than six years. According to the respondent, she has no means to maintain herself and the child and to educate the child. Therefore, she had no other option except to file the application under revision for maintenance for herself and her minor child and also for litigation expenses.

5. The learned counsel for the petitioner would submit that the respondent was working as Chef in a Star Hotel in Bangalore, but, soon after the marriage, he had to quit from the job so as to settle in Chennai due to the pressure of the respondent. Despite his best and sincere efforts, he did not get any job here at Chennai and as of now he had no means to pay maintenance to the petitioner. He is struggling to maintain himself and his earning is not enough to maintain himself.

6. I have considered the submissions made on either side.

7. The petitioner being husband is duty bound to maintain his wife and child. He cannot escape from his legal liability by saying that he is unemployed. He only filed the original petition in the year 2013 and the same was dismissed for his default and after a long delay, it has been restored again. Considering the facts and circumstances of the case, the court below has ordered for maintenance directing the petitioner to pay a sum of Rs.5,000/- p.m. to the petitioner and a sum of Rs.3,000/- p.m. to her child towards maintenance besides litigation expenses. The respondent is looking after the child and educating. Considering the prevailing economic conditions and the attending circumstances, this court is of the considered view that the maintenance amount ordered by the court below are just, fair and reasonable and the same does not require any interference at the hands of this court.

In the result, this civil revision petition is dismissed. No costs. However, considering the fact that divorce petition has been pending from 2013, the court below is directed to dispose of the same within a period of three months from the date of receipt of a copy of this order. The parties are directed to cooperate for early disposal of the original petition.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Principal District Judge,
Tiruvallur, Tiruvallur District.

+1cc to Mr.William, Advocate, S.R.No. 4945

C.R.P.No.115 of 2020

MG (CO)
GN (19/02/2020)



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