

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.03.2020

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRP (PD) No.834 of 2020 and
CMP No.4421 of 2020

C.V.Selvaraj

... Petitioner

Vs.

E.Stella Rani

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 14.10.2019 passed in I.A.No.339 of 2016 in I.D.O.P.No.246 of 2015 by the Principal District Judge, Thiruvallur.

For Petitioner : Mr.N.Manoharan

O R D E R

This Civil Revision Petition has been filed against the fair and decreetal order dated 14.10.2019 passed in I.A.No.339 of 2016 in I.D.O.P.No.246 of 2015 by the Principal District Judge, Thiruvallur.

2. The petitioner herein filed a divorce petition in I.D.O.P.No.246 of 2015 before the Principal District Judge, Thiruvallur. under Section 10(1)(X) of the Indian Divorce Act, 1869 against his wife, the respondent herein to dissolve the marriage between him and his wife. Pending petition, the respondent had filed an application in 339 of 2016 under Section 36 of the Indian Divorce Act before the said court for direction to the petitioner to pay a sum of Rs.25,000/- per month for maintenance along with Rs.1,00,000/- towards litigation charges to maintain herself and her two children, who are studying in the school. According to the respondent, the petitioner is working in the High School as B.T. Assistant and drawing more than Rs.36,000/- as salary and also having permanent income from the agricultural land, however, refused to maintain his wife and children.

3. After analysing the petition and the counter statement, the learned Principal District Judge, Thiruvallur passed an order directing the respondent to pay a sum of Rs.5,000/- to the petitioner and Rs.5,000/- each to his children, totally a sum of Rs.15,000/- per month, including

the interim maintenance of Rs.10,000/- awarded by the Judicial Magistrate, Pallipattu in MC.No.1 of 2016. Challenging the above said order, the petitioner has filed the present civil revision petition.

4. The learned counsel appearing for the petitioner submitted that the respondent/ wife has already filed a petition in M.C.No.1 of 2016 under Section 125 of the Code of Criminal Procedure against this petitioner and obtained an order for maintenance of Rs.10,000/- (Rs.4000 to the petitioner and Rs.3,000/- each to her children) and the petitioner is also paying the said amount. However, the respondent again filed I.A.No.339 of 2016 for interim maintenance, in addition to the above said amount, without disclosing the order passed by the Judicial Magistrate in M.C.No.1 of 2016, which is unsustainable. According to the petitioner, the respondent is residing in the house of the petitioner at Village and hence, the the interim maintenance, claimed by the petitioner is excessive.

5. Already, the disputes between the petitioner and the respondent were already considered by the Judicial Magistrate. After analysing the facts in detail and examined the contentions raised by both the parties, the learned Principal District Judge, Thiruvallur came to the conclusion that the petitioner is earning a sum of Rs.50,000/- and therefore, he is capable of maintaining his wife and children and also he is bound to maintain his wife as well children. Further, the learned District Principal Judge also held that the maintenance order for Rs.10,000/- awarded by the Judicial Magistrate in the year 2016 is not sufficient to maintain the family and hence ordered a sum of Rs.15,000/- as interim maintenance including the interim maintenance of Rs.10,000/- as ordered by the Judicial Magistrate.

6. Therefore, the order passed by the Principal District Judge, Thiruvallur, ordering a sum of Rs.15,000/- towards maintenance, cannot be said to be excessive or erroneous and it does not warrant any interference by this court. Therefore,, there is no merits in the civil revision petition and the same is liable to be dismissed.

7. In the result, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

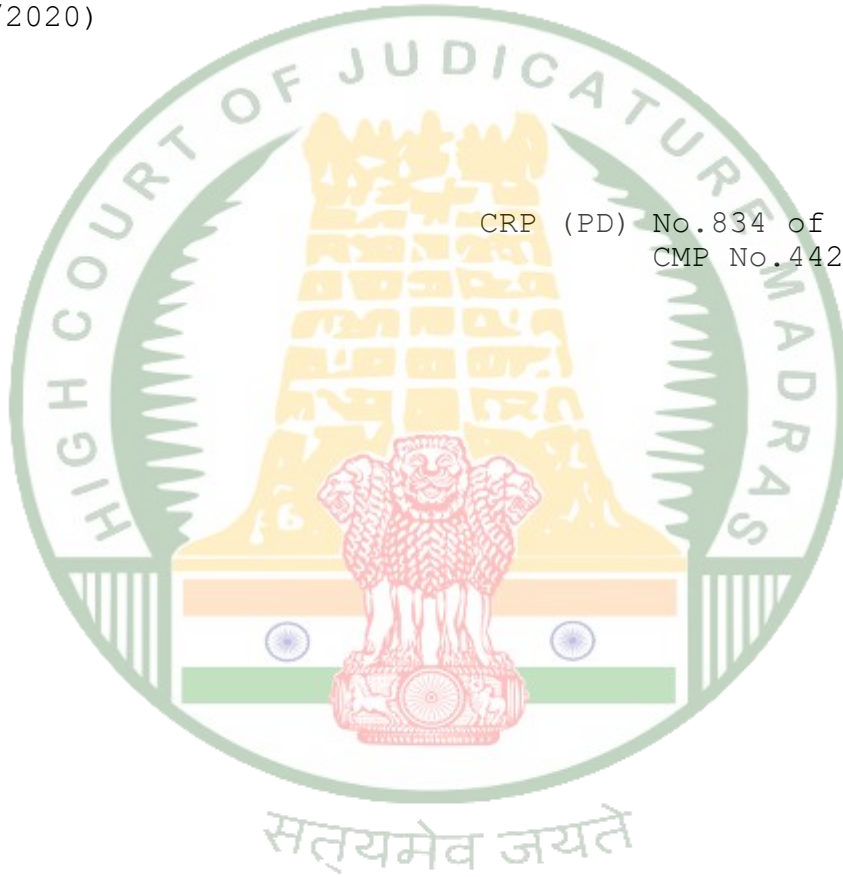
To

The Principal District Judge,
Thiruvallur.

+lcc to Mr.N.Manoharan, Advocate, S.R.No.35

mp (CO)
jrs (26/05/2020)

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