

C.R.P.(NPD) No.1315 of 2019 and
C.M.P.No.4847 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.R.P.(NPD) No.1315 of 2019
and
C.M.P.No.4847 of 2020

T.Anitha

...Petitioner

..Vs..

N.Balachander

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order passed by the Subordinate Judge, Poonamallee passed in I.A.No.334 of 2018 in HMOP.No.590 of 2017 dated 13.12.2018.

For Petitioner :Mr.S.Ilamvaludhi

For Respondent :Mr.M.Vengadeswaran

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ORDER

This Civil Revision Petition has been filed to set aside the order passed by the Subordinate Judge, Poonamallee passed in I.A.No.334 of 2018 in HMOP.No.590 of 2017 dated 13.12.2018.

2. The respondent/husband has filed H.M.O.P.No.590/17 before the subordinate Court, Poonamallee for resolution of marriage on the ground of cruelty and desertion. Pending H.M.O.P, the petitioner/wife has filed I.A.No.334/18 seeking for interim maintenance to the tune of Rs.25,000/- under Section 24 of the Hindu Marriage Act and also to pay a sum of Rs.10,000/- as litigation expenses.

3. The respondent/husband filed a counter stating that though he is earning Rs.60,000/- per month, after paying the loans and other premiums for insurance policy, his take home salary is only Rs.8,000/-

4. During the enquiry before the Trial Court, the respondent filed his Bank statement which is marked as Exhibit R1. No oral evidence was adduced.

5. By an order dated 13.12.2018 the learned Subordinate Judge, Poonamallee has allowed the said I.A., directing the respondent to pay a sum of Rs.5,000/- as interim maintenance and Rs.5,000/- towards litigation expenses to the petitioner/wife.

6. Having not satisfied with the quantum of interim maintenance, the petitioner/wife has filed this Civil Revision Petition.

7. Heard both sides.

8. The learned counsel for the respondent/husband would contend that the petitioner also filed a domestic violence petition before the competent Authority seeking for interim maintenance. It is needless to say that any amount awarded as maintenance either in H.M.O.P proceedings or other collateral proceedings has to be adjusted in the other collateral proceedings.

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9. Taking into consideration that the respondent/husband is earning Rs.60,000/- per mensem and that the petitioner/wife is an unemployee, now residing in her parental house, in the interest of justice the interim maintenance Rs.5,000/- per month is enhanced to

Rs.10,000/- per month from the date of petition. The arrears of maintenance amount shall be paid within a period of eight weeks from the date of receipt of a copy of this order. The enhanced interim maintenance shall be paid on or before 5th day of every succeeding month. It is hereby made clear that in the event of any other maintenance award in any proceedings.

10. With these observations, this Civil Revision Petition is partly allowed. No costs. Consequently, connected C.M.P. is closed.

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Index:Yes/No

Speaking Order:Yes/No

To

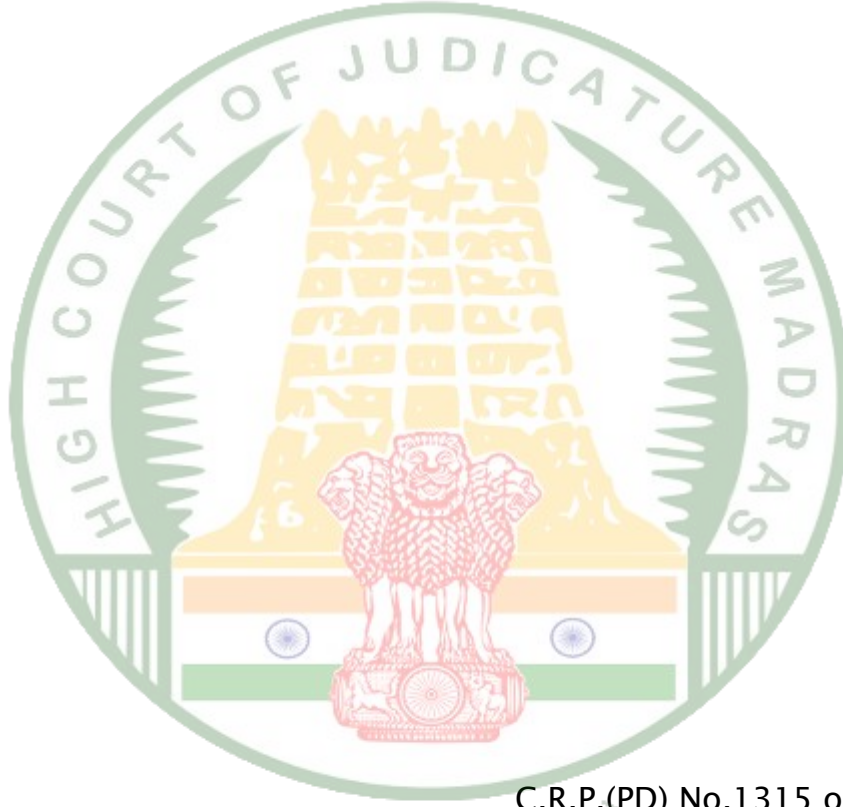
The Subordinate Judge, Poonamallee.

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RMT.TEEKAA RAMAN,J.,

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