

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 06.08.2020**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN**

C.R.P.(NPD).No.507 of 2018  
and  
C.M.P.No.2612 of 2018

G.Baskar

... Petitioner

-Vs-

B.Sharmila

... Respondent

**Prayer :** Petition filed under Article 227 of the Constitution of India, to allow this revision petition and set aside the Decree and the Judgment passed by the Sub-Court, Tambaram, dated 18.08.2017, made in I.A.No.32 of 2017 in H.M.O.P.No.502 of 2012, on the file of the Sub-Court, Tambaram.

For Petitioner : Mr.D.Jawahar

For Respondent : Mr.D.Krishna Pradeep Damodharan

**ORDER**

This Civil Revision Petition has been filed challenging the order passed by the Sub Court, Tambaram, directing the petitioner/husband to pay

a sum of Rs.5,000/- per month towards interim maintenance. The main proceedings in H.M.O.P.No.502 of 2012 have been launched by the husband under Sections 13(1)(a) & 13(1)(b) of the Hindu Marriage Act, seeking divorce.

2. Pending the same, the respondent-wife sought for interim maintenance at Rs.25,000/- per month. The husband resisted the application contending that he has lost his job and he is dependent on his family income, which is only about Rs.6,000/- per month. In support of his claim, he has produced an Income Certificate issued by the Zonal Deputy Thasildhar certifying that his family is earning only a sum of Rs.6,000/- per month.

3. Considering the rival claims, the learned Subordinate Judge granted a sum of Rs.5,000/- per month towards interim maintenance. Aggrieved by the said order, the husband has come up with the above Civil Revision Petition.

4. Heard Mr.D.Jawahar, learned counsel appearing for the petitioner and Mr.D.Krishna Pradeep Damodharan, learned counsel appearing for the respondent.

5. It is not in dispute that this Court, while granting stay this court had directed the petitioner-husband to pay a sum of Rs.3,000/- per month towards interim maintenance and also pay all the arrears.

6. The learned counsel for the petitioner would submit that the interim order of this Court dated 14.02.2018 has been complied with in letter and spirit.

7. Considering the income of the husband, for which some proof is available, I am of the opinion that the trial court is not right in granting Rs.5,000/- per month towards interim maintenance. Hence, the amount of maintenance awarded is reduced to Rs.3,000/- per month.

8. In view of the above, the Civil Revision Petition is partially allowed and the order of the trial Court is modified granting a sum of Rs.3,000/- per month as maintenance to the wife pending disposal of the H.M.O.P.

9. Accordingly, this Civil Revision Petition Stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**06.08.2020**

kmm

Index: Yes / No

Speaking order / Non speaking order

To

The Sub-Court,

Tambaram.

WEB COPY

C.R.P.(NPD).No.507 of 2018  
and  
C.M.P.No.2612 of 2018

**R.SUBRAMANIAN, J.**

kmm



C.R.P.(NPD).No.507 of 2018  
and  
C.M.P.No.2612 of 2018

WEB COPY

06.08.2020