

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2020

CORAM:

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

C.R.P (PD).No.869 of 2018 and
C.M.P.Nos.4774 of 2018 and 963 of 2020

Balamurugan

...Petitioner

-Vs-

B.Mathura Bharath

... Respondent

Prayer:

Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 19.12.2017 passed in I.A.No.52 of 2017 in HMOP No.11 of 2017 on the file of the Sub Judge, Jayankondam, Ariyalur.

For Petitioner : Mr.K.S.Saravanan for
Mr.K.P.P.Raja Raja Chozhan
For Respondent : Mr.Om Sai Ram

ORDER

The husband who had suffered an order for payment of interim maintenance of Rs.7,500/- per month in a petition filed under Section 24 of the Hindu Marriage Act, has come up with this Civil Revision petition.

2. The claim of the wife for interim maintenance was resisted by the husband, contending that the wife is employed in a private school at Chennai. The trial Court rightly disbelieved the said contention in the absence of any proof to that effect. The fact that the husband is working as an Assistant Engineer in the State PWD is not in dispute.

3. The trial Court, considering the facts and circumstances of the case, has directed the husband to pay a sum of Rs.7,500/- per month as interim maintenance to the wife.

4. Considering the status of the husband as an Assistant Engineer in the State PWD Department, I do not see any reason to reduce the quantum of maintenance that has been awarded. The husband has

singularly failed to establish that the wife is working and she does not deserve maintenance. The husband has also failed to produce his own salary certificate to show that he is drawing a meager salary and as such he could not pay the sum of Rs.7,500/- as maintenance. I do not see any material irregularity or illegality in the order of the trial Court, so as to enable me to interfere with the same under Article 227 of the Constitution of India. Hence, the revision fails and it is accordingly dismissed.

5. It is stated that pursuant to the interim order, the husband has been paying only Rs.3,500/- towards maintenance, during the pendency of the Civil Revision petition. Considering the fact that the Civil Revision petition is disposed of today, the husband is given four months time to pay the arrears that he is liable to pay and he shall start paying the interim maintenance at Rs.7,500/- from the month of October 2020. No costs. Consequently, connected miscellaneous petitions are closed.

14.09.2020

Index : No
Speaking order
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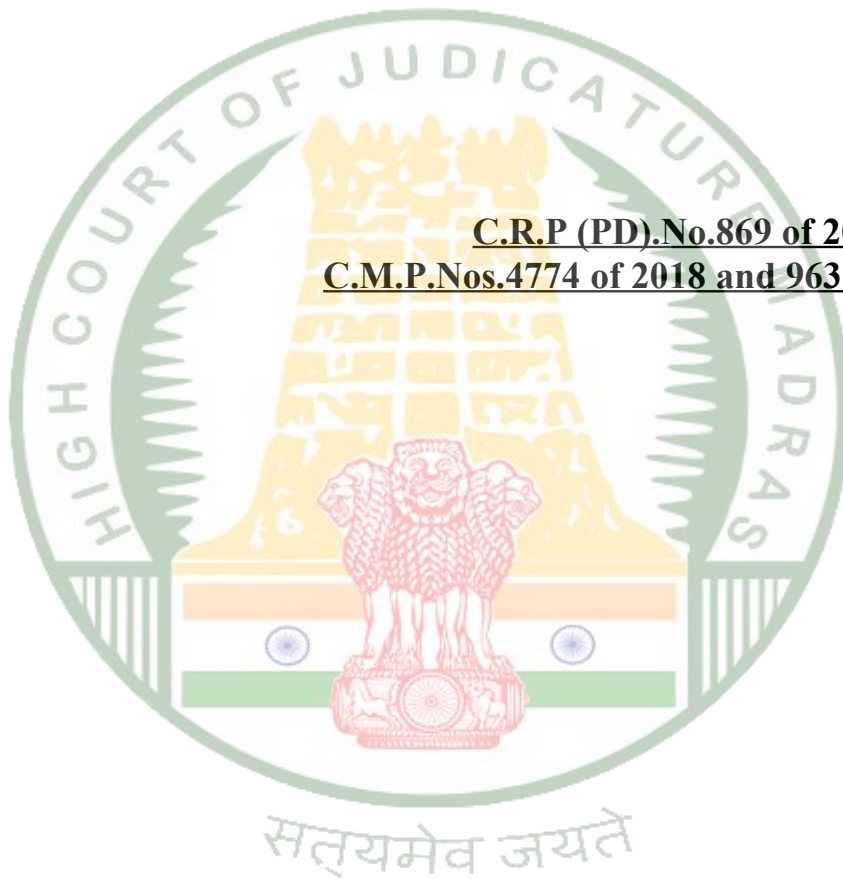
C.R.P (PD).No.869 of 2018

R.SUBRAMANIAN, J.

vum

To

The Sub Judge, Jayankondam, Ariyalur



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