

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P. (PD) No.3792 of 2018
& C.M.P.No.21120 of 2018

S.Suresh

.. Petitioner

Vs.

Angalaparameshwari @ M.Elakiya

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order in I.A.No.67 of 2018 in H.M.O.P.No.216/2017 dated 07.08.2018 on the file of the Subordinate Judge at Ponneri.

For Petitioner : Mr.R.S.Kirubakaran

For Respondent : Mr.E.Aadith Vijay

ORDER

This matter is taken up for hearing through Video-Conferencing.

The petitioner who is the husband challenges the order granting interim maintenance at Rs.7,000/- per month. The petition for divorce filed

by the husband is pending before the Sub Court, Ponneri.

2. The wife sought for interim maintenance for herself and the child at Rs.30,000/- per month. The same was resisted by the husband contending that since the wife left the matrimonial home on her own she is not entitled to maintenance. It is also claimed that the amount claimed is on the higher side, in view of the salary drawn by the petitioner which is only about Rs.9,306/- per month. The petitioner husband has also produced a Salary Certificate issued by his Employer which shows that his income is Rs.9,306/- per month.

3. The Trial Court upon a consideration of the material produced concluded that a sum of Rs.7,000/- could be fixed as interim maintenance. Aggrieved the petitioner husband has come up with this Civil Revision Petition.

4. I have heard Mr.R.S.Kirubakaran, learned counsel appearing for the petitioner and Mr.E.Aadith Vijay, learned counsel appearing for the respondent.

5. The petitioner has produced his salary slip as Ex.R1. The same is not denied. It shows that the monthly income of the petitioner is only

Rs.9,306/-. He also averred that he has to support his aged parents. Once it is found that monthly income of the petitioner is only Rs.9,306/-, awarding a sum of Rs.7,000/- towards maintenance for the wife and the child is on the higher side. The petitioner also has to take care of his own needs as well as the needs of his parents. At the same time the plight of the wife and the child cannot also be lost sight of.

6. Considering the circumstances, I am of the considered opinion that a sum of Rs.5,000/- would be fair and reasonable in. In view of the same, the Civil Revision Petition is **allowed**. The order of the Trial Court is modified and the petitioner is directed to pay a sum of Rs.5,000/- per month as *pendente lite* maintenance till the disposal of the OP. No costs. Consequently, the connected miscellaneous petition is closed.

7. It is stated that the petitioner has obtained an interim order in this Court. The balance arrears of maintenance shall be paid on or before 31.12.2020. The monthly maintenance at the rate of Rs.5,000/- shall be paid commencing from August 2020. The same should be paid on or before

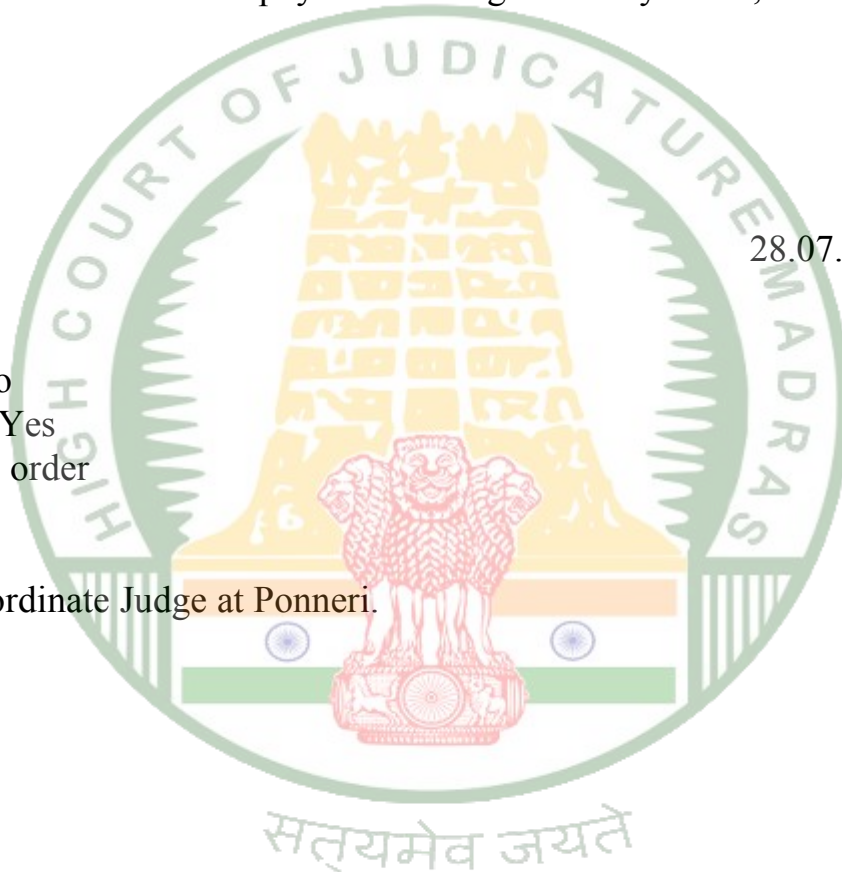
10th of every month. It is stated that the main OP viz., HMOP No.216 of 2017 has been transferred to the Family Court, Chennai. The Family Court, Chennai is directed to dispose of OP within a period of six months, from the date of commencement of physical hearing at Family Court, Chennai.

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jv

Index: No
Internet: Yes
Speaking order

To
The Subordinate Judge at Ponneri.



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R.SUBRAMANIAN, J.

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