

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP PD. No.3927 of 2018
and CMP No. 21780 of 2018

G.Arulmani

.. Petitioner

Vs.

1. N.Padmapriya

2. Minor Sanjeeth

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 03.07.2018 passed in IA No.111 of 2017 in HMOP No.21 of 2016, on the file of the Subordinate Judge, Kallakurichi, Villupuram District.

For Petitioner : Mr.V.Ayyapparaja

For Respondents : No appearance

ORDER

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

The husband who suffered an order for payment of interim maintenance at the hands of the Sub Court, Kallakurichi, in an application filed under Section 24 of the Hindu Marriage Act, pending disposal of his petition for divorce in HMOP No.21 of 2016, has come up with this Revision, challenging the quantum of maintenance.

2. The respondents though served are not appearing either in person or through counsel duly instructed.

3. Though the second respondent is a minor and he is not represented. I see no impediment to proceed to dispose of the Revision as I do not find any merit in the Revision. The respondents herein viz., the wife and child filed IA No.111 of 2017 in HMOP No.21 of 2016 seeking monthly maintenance of Rs.10,000/- and Rs.25,000/- for expenses for celebrating annual festivals. According to the petitioners, the respondent is a very rich person, who has got two houses in Kallakurichi Town, apart from 5 acres of

land in Papanayagampatti Village. It is also claimed that the husband is carrying on various businesses in Pan broking, offset printing as well as finance at Kallakurichi Town. According to the petitioners, by his monthly income will not be less than a Lakh of Rupees.

4. This petition was resisted by the respondent contending that he was doing coolly work in Tirupur and he is at present unemployed.

5. The learned Trial Judge after consideration of the pleadings concluded that the petitioner who is a MCA M.phil can earn enough to support the family. On the said ground, the learned Trial Judge granted a sum of Rs.10,000/- as monthly maintenance for the wife and the child, apart from Rs.15,000/- for litigation expenses. It is this order which is subject matter of challenging the Revision. I have heard Mr.V.Ayyapparaja, learned counsel appearing for the petitioner.

6. Mr.V.Ayyapparaja, learned counsel appearing for the petitioner

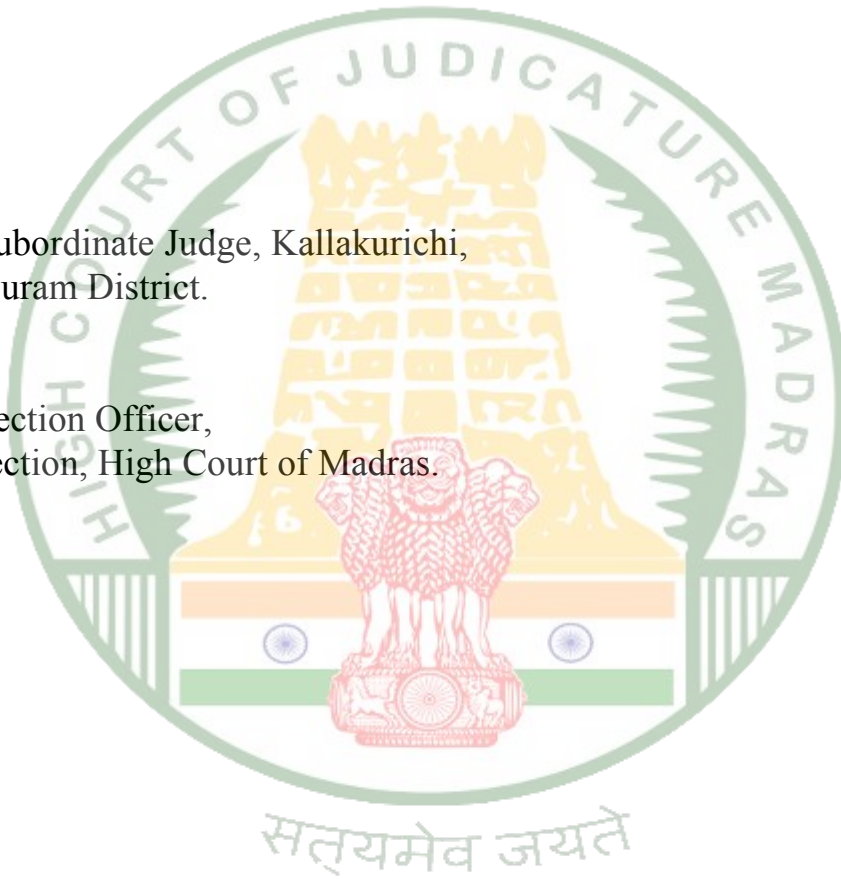
would vehemently contend that there must be some reduction in the quantum as there is no proof of income. The learned Trial Judge has arrived at the quantum on the basis of the qualifications of the petitioner and his asset base. I do not think, the Trial Court could be faulted for coming to the said conclusion, since the petitioner himself has not placed any evidence to show that he is earning a lesser amount. Considering the present day living conditions, I find that a sum of Rs.10,000/- granted is very reasonable, considering the fact that the two persons have to maintain themselves out of the said sum.

7. Hence I do not think that the order of the Trial Court needs interference at my hands in Revision. The Revision therefore fails and accordingly it is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

jv
Index:No
Internet:Yes
Speaking order

To

1. The Subordinate Judge, Kallakurichi,
Villupuram District.
2. The Section Officer,
V.R.Section, High Court of Madras.

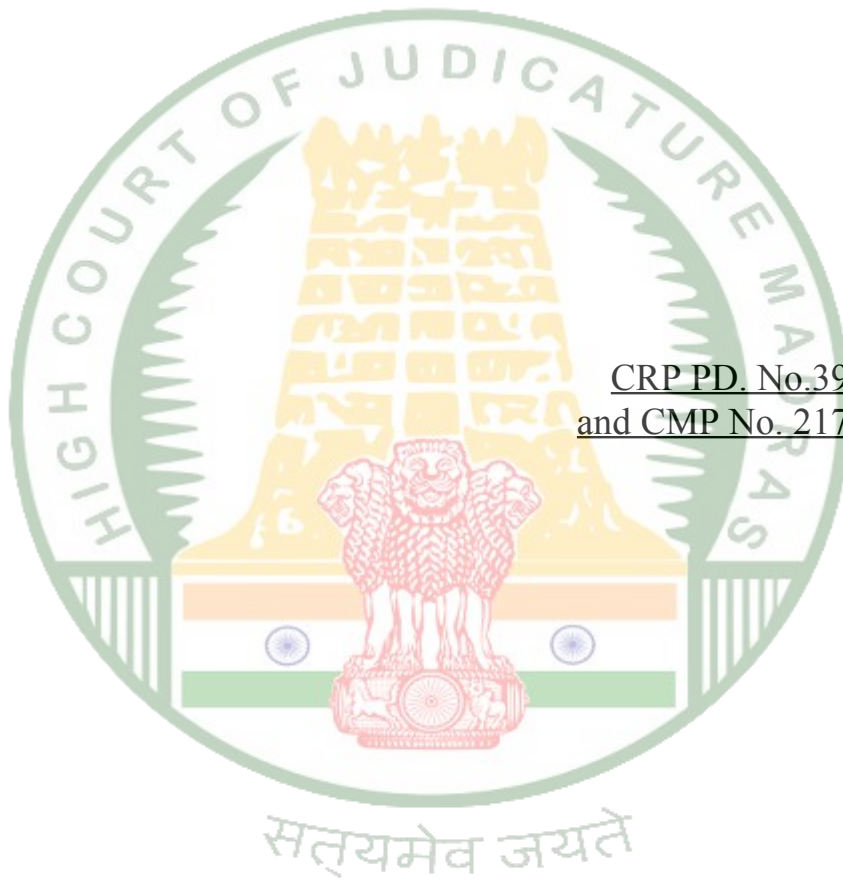


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R.SUBRAMANIAN, J.

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