

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP (PD) No.4195 of 2018 and
CMP Nos.23062 of 2018 and 21416 of 2019

Mathusuthanan ... Petitioner

Vs

1. Priya
2. Balaji ... Respondents

Prayer: The Civil Revision petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 30.07.2018 made in I.A.No.8 of 2018 in H.M.O.P No.120 of 2017 on the file of the Court of the Principal Subordinate Judge, Villupuram.

For Petitioner : Mr.R.Arun Dhattan

For Respondents : Mrs.R.Divya

ORDER

This revision is by the husband challenging the order for interim maintenance passed under Section 24 of the Hindu Marriage Act.

2. Pending proceedings for divorce filed by the husband in

H.M.O.P No.120 of 2017 on the ground of desertion, the wife filed an application for interim maintenance claiming that the husband an MBA Graduate is employed as an Senior Executive in a Software Company and drawing a salary of Rupees one lakh per month. The wife sought for a sum of Rs.50,000/- per month as maintenance for her self and the minor child who is now about five years old.

3. The husband resisted the claim contending that the wife is also employed. It is the further contention of the husband that he is not drawing a lakh of rupees per month as alleged by the wife. He, however, did not disclose his salary in the counter filed before the trial Court.

4. The trial Court upon consideration of the circumstances and the qualification of the husband, awarded a sum of Rs.30,000/- per month as interim maintenance for the wife and the minor child. Aggrieved, the husband has come up with this revision.

5. I have heard Mr.R.Arun Dhattan, learned counsel appearing for the petitioner and Mrs.R.Divya, learned counsel appearing for the

respondents.

6. The counsel for the petitioner has produced a salary certificate said to have been issued by the company showing that the petitioner is drawing only a sum of Rs.18,870/- per month as salary. There is no explanation for non production of the salary certificate before the trial Court. Since the designation of the petitioner husband given as Senior Executive, I am unable to take into account the salary reflected as a correct figure. The trial Court has rightly considered the fact that the minor child has also to be maintained by the wife and awarded a sum of Rs.30,000/- per month as maintenance.

7. I am of the considered opinion, in the facts and circumstances of the case on hand, the award of Rs.30,000/- as interim monthly maintenance cannot be considered to be on higher side. The boy is also five years old and there are educational expenses which have to be taken care of. I therefore do not see any illegality or irregularity in the order of the trial Court. The revision therefore fails and it is accordingly dismissed. No

costs. Consequently, connected miscellaneous petitions are closed.

15.10.2020

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Index: Yes/No

Speaking order / Non speaking order

To

The Principal Subordinate Judge, Villupuram.

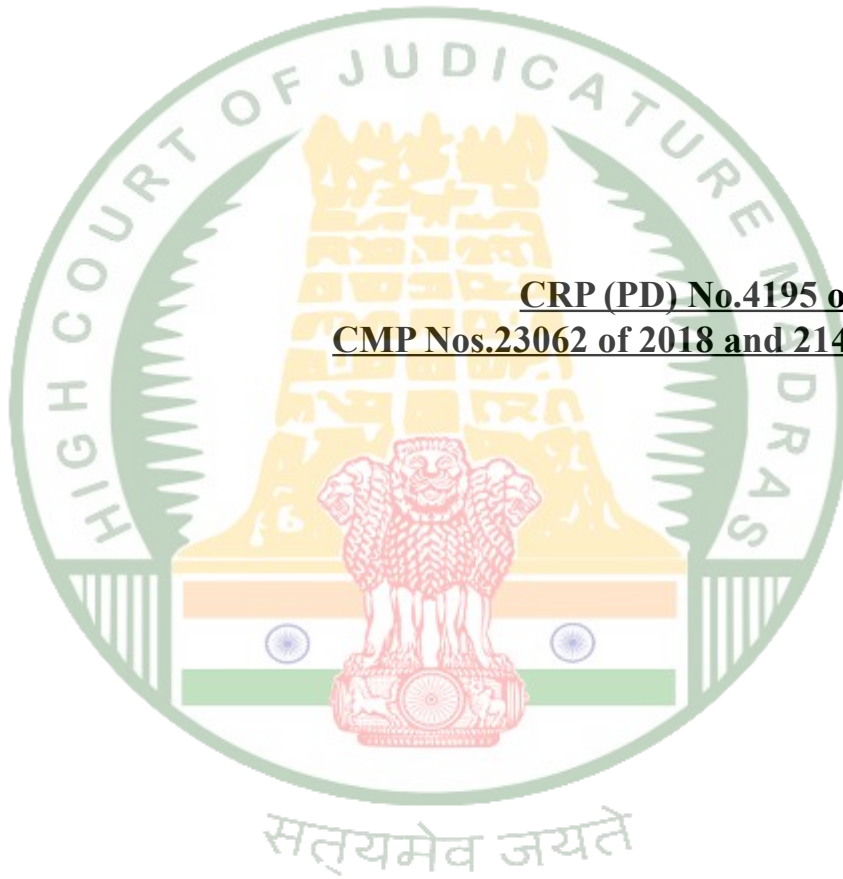


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CRP (PD) No.4195 of 2018

R.SUBRAMANIAN, J.

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