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2. The learned counsel for the petitioner submitted that, the respondent filed divorce petition in I.D.O.P.No.11 of 2015 under Sections 10(1)(ix) and 10(1)(x) of the Hindu Marriage Act. The petitioner filed I.A.No.157 of 2016 seeking interim maintenance of Rs.20,000/- per month and a sum of Rs.5,000/- towards litigation expenses. This petition was contested by the respondent. The learned Family Judge, on considering the submissions of the petitioner dismissed the petition with regard to the grant of interim maintenance and allowed the respondent to pay a sum of Rs.5,000/- as litigation expenses to the petitioner. Challenging the said order, this Civil Revision Petition is preferred.

3. The learned counsel for the petitioner submitted that, the respondent is doing granite business, owns lorry and act as a broker in selling lorries. He is earning Rs.1,00,000/- per month. On the other hand, the learned counsel for the petitioner submitted that the petitioner is struggling to make both the ends meet and filed the petition for interim maintenance. However, without considering the genuine claim of the petitioner, this petition was dismissed. Therefore, this petition.



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4. In response, the learned counsel for the respondent submitted that, the respondent is not doing any business as claimed by the petitioner. On the other hand, the petitioner is working in K.S.R. College of Engineering and earning monthly salary. Taking into consideration the fact that, the petitioner has not produced any material to show that the respondent is working and earning money, the learned Judge, Family Court, Salem, dismissed the petition. Thus, the learned counsel for the respondent prayed for confirming the order of the learned Judge, Family Court, Salem and for dismissal of this petition.

5. Considered the rival submissions and perused the records.

6. It is seen from the order of the learned Judge, Family Court, Salem, that the petitioner has not produced any material to show that the respondent is owning business and earning money. On the other hand, the respondent produced Ex.R.1 to Ex.R.3 documents to examine R.W.1 to prove that, the petitioner is working in K.S.R. College of Engineering and earning Rs.7,088/- per month as monthly salary as temporary staff. The



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respondent has produced the copy of RC Book to show that, he is not the owner of the vehicle bearing No.TN-24-AM-1753. He has also produced the copy of the salary certificate to show that, he is earning Rs.6,500/- per month, as Accountant in Jagadeesh Transport.

7. When the respondent's wife / petitioner is able to earn Rs.7,088/- per month as temporary staff in K.S.R. College of Engineering, it is not known why, the respondent is not able to find a suitable employment and earn sufficient income. As the husband, the respondent is required to maintain his wife. Merely because his wife is employed and earning a certain sum as a monthly salary, it does not mean that she is not entitled to get monthly maintenance from her husband to meet her essential requirements. Petitioner requires the reasonable amount to meet her food, shelter, dress, medical and other requirements. Therefore, a sum of Rs.7,088/- per month, is not sufficient to meet her requirements. The fact that the respondent has effected name change of the vehicle bearing No.TN-24-AM-1753 and produced salary certificate to show that, he is earning only Rs.6,500/- per month shows that, he is careful enough in not having any



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property movable and immovable and he does not want to give maintenance to his wife. There is no doubt that he is an able bodied person and capable of maintaining his wife by doing physical work. He could earn not less than Rs.15,000/- per month by doing physical work. Therefore, this Court is of the considered view that, the respondent must pay a reasonable amount to the petitioner as maintenance to meet petitioner's essential requirements.

8. In such view of the matter, this Court set aside the order of the learned Judge, Family Court, Salem, passed in I.A.No.157 of 2016 in I.D.O.P.No.11 of 2015 and directs the respondent to pay a sum of Rs.5,000/- per month to the petitioner as interim maintenance from the date of filing I.A.No.157 of 2016.

9. Resultantly, this Civil Revision Petition is allowed. However, there is no order as to costs.

27.10.2021

Speaking order / Non-speaking order

Index : Yes / No

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C.R.P. (PD) No.491 of 2020



G.CHANDRASEKHARAN, J.

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To

The Family Court, Salem.

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