

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

C.R.P. (PD) No.876 of 2021
and C.M.P. No.7191 of 2021

Ramamurthy

...

Petitioner

versus

1.Mohanasundari

2.Minor Samyuktha,

C/o.Guardian Mother Mohanasundari,

D/o.Ramamurthy,

Door No.8, Indira Nagar,

Chendur Post,

Thindivanam - 604 302

...

Respondent

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 27.02.2020 made in I.A.No.233 of 2019 in H.M.O.P.No.36 of 2019 on the file of the learned Principal Sub Court, Thindivanam.

For Petitioner

: Mr.N.Srinivas Jayaprakash

For Respondents

: Mr.G.Varun Gandhi

ORDER

This Civil Revision Petition is filed to set aside the order of the learned Principal Sub Judge, Thindivanam passed in I.A.No.233 of 2019 in H.M.O.P.No.36 of 2019 dated 27.02.2020.

2. The learned counsel for the petitioner submitted that, the first respondent filed H.M.O.P.No.36 of 2019 against the petitioner for restitution of conjugal rights and the petitioner filed H.M.O.P.No.66 of 2109 for restitution of conjugal rights and then, he withdrew the same. Further, he filed H.M.O.P.No.51 of 2019 for divorce against the first respondent. When these proceedings are pending, the respondents filed I.A.No.233 of 2019 under Section 24 of the Hindu Marriage Act, seeking interim maintenance of Rs.10,000/- to her and her minor daughter Samyuktha.

3. He further submitted that the respondents claimed only Rs.10,000/- as maintenance for her and her minor daughter. But the learned Principal Sub Judge, awarded Rs.15,000/- as interim maintenance, which is beyond the scope of the prayer. He also submitted that, the petitioner is an agriculturist and he has no sufficient income to pay the amount of Rs.15,000/-

as maintenance. Therefore, he prayed for setting aside the order of the learned Principal Sub Judge.

4. In response, the learned counsel for the respondents submitted that, a sum of Rs.15,000/- ordered as maintenance, is a reasonable amount. Therefore, after taking into consideration, the requirements of the respondents for their food, residence, medical and other expenses, the learned trial Judge has rightly ordered the maintenance. The petitioner has to pay Rs.7,500/- each to the respondents. He further submitted that, the petitioner's family owns 35 acres of agricultural lands and earning Rs.10,00,000/- per annum from the agricultural lands. Therefore, the learned counsel for the respondents prayed for sustaining the order of the learned Principal Sub Judge and for dismissal of this Civil Revision Petition.

5. Considered the rival submissions and perused the records.

6. Admittedly, both the parties have not produced any documents to show the income and liability of the husband and wife. The learned counsel for the petitioner submitted that, though the respondents

claim that, the petitioner's family owns 35 acres of agricultural lands and earning Rs.10,00,000/- per annum from the agricultural land, there is no material produced in support of their claim. However, the petitioner being the husband of the first respondent and father of the second respondent, is bound to maintain his family. There is no escape from this liability of maintaining his wife and daughter. Though the sum of Rs.10,000/- alone claimed by both the respondents, taking into consideration of the fact that, the minor daughter's educational expenses has to be taken care, the learned trial Judge ordered Rs.7,500/- per month to each of the respondents. The Court by the inherent power order a reasonable amount as maintenance, even exceeding the amount claimed in appropriate cases.

7. In such view of the matter, taking into consideration of the fact that, the respondents require a reasonable amount to meet their food, residential, medical and other expenses and that the amount required to be spent on education of the second respondent, this Court finds no reason to interfere with the order of the learned Principal Sub Judge, Thindivanam in

I.A.No.233 of 2019 in H.M.O.P.No.36 of 2019 dated 27.02.2020 and the order is confirmed.

8. Resultantly, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. However, there is no order as to costs.

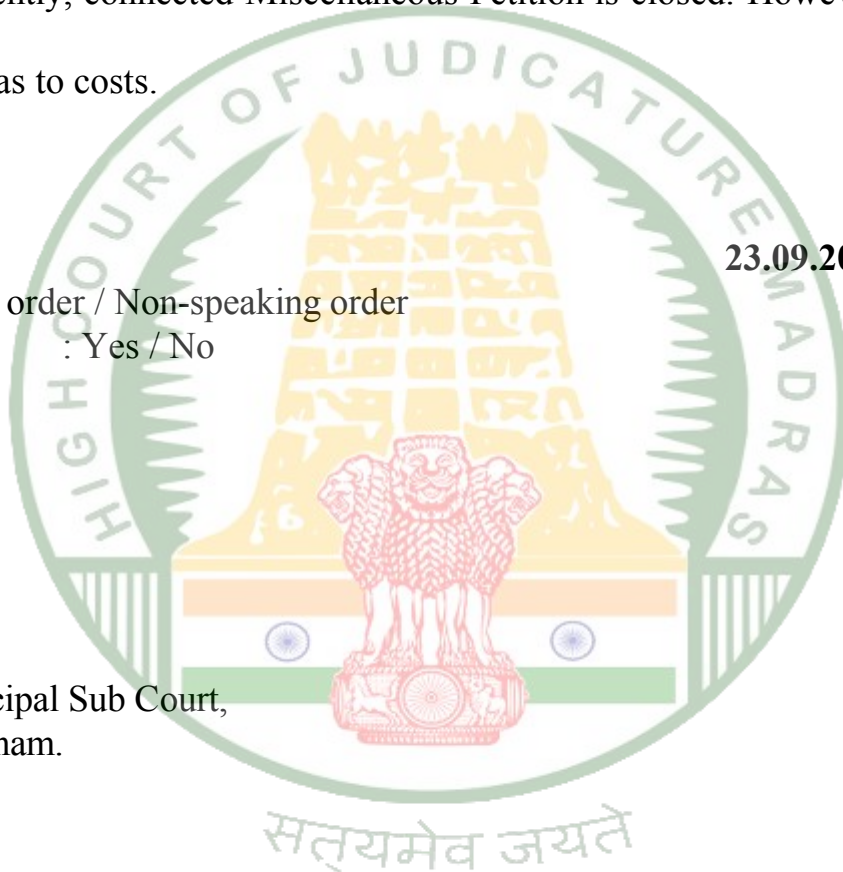
23.09.2021

Speaking order / Non-speaking order
Index : Yes / No

psa / sri

To

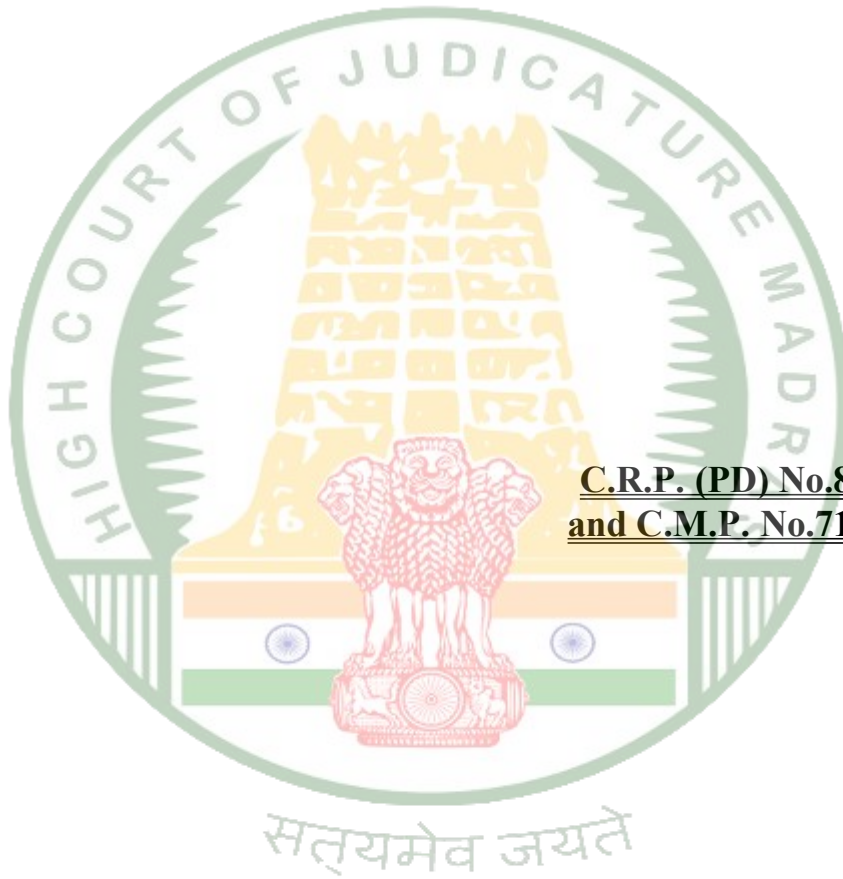
The Principal Sub Court,
Thindivanam.



WEB COPY

G.CHANDRASEKHARAN, J.

psa / sri



C.R.P. (PD) No.876 of 2021
and C.M.P. No.7191 of 2021

WEB COPY

23.09.2021