



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.06.2021

CORAM:

WEB COPY

THE HONOURABLE **MR. JUSTICE N.ANAND VENKATESH**

C.R.P(MD) .No.772 of 2021
and
C.M.P. (MD) No.4221 of 2021

Andrews Francis Xavier ... Petitioner/Respondent/Petitioner

Vs.

Jone of Ark ... Respondent/Petitioner/Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the Fair and Decreetal order dated 06.02.2020 passed in I.A.No.958 of 2017 in I.D.O.P.No.14 of 2017 on the file of the Principal District Judge, Tiruchirapalli.

For Petitioner : Mr.M.Sudharani

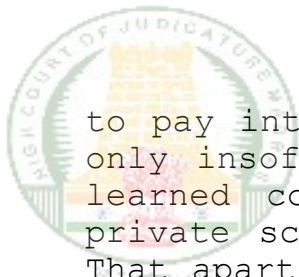
O R D E R

This Civil Revision Petition has been filed challenging the Fair and final order passed by the Court below allowing the interim application filed by the respondent who sought for interim maintenance for herself and her minor child pending disposal of the main divorce petition.

2. The petitioner has filed a divorce petition before the Court below and the same is pending in I.D.O.P.No.14 of 2017. Pending this petition, the respondent filed an Interlocutory Application seeking for interim maintenance for herself and the minor child. The court below through the impugned order allowed the application and directed the petitioner to pay interim maintenance of Rs.6,000/- (Rupees Six Thousand Only) to the respondent and Rs.4,000/- (Rupees Four Thousand Only) to the minor child. Aggrieved by the same, the present petition has been filed before this Court.

3. Heard M/s.M.Sudharani, learned counsel appearing for the petitioner.

4. The main contention that was raised by the learned counsel appearing for the petitioner is that the petitioner has no objection



to pay interim maintenance to the minor child and the objection is only insofar as the payment of maintenance to the respondent. The learned counsel submitted that the respondent is employed in a private school and she is earning a monthly salary of Rs.7,000/-. That apart, the respondent had taken away money from the petitioner stealthily and she has committed cruelty to the petitioner. Therefore, the respondent is not entitled for payment of any interim maintenance.

5. A careful reading of the order passed by the Court below shows that the Court below has taken into consideration the entire facts and circumstances and has ordered interim maintenance. The Court below has specifically found that the respondent is unemployed and she has no source of income and she is dependent on her aged parents for her livelihood. Even though the petitioner is relying upon some documents before this Court to substantiate the plea that the respondent is employed in a private school, no such document was marked before the Court below. The Court below, therefore, has given a finding to the effect that the petitioner has sufficient means to maintain the respondent and on considering his income, the Court below has fixed the interim maintenance of Rs.6,000/- payable to the respondent. This Court does not find any illegality or infirmity in the order passed by the Court below and the same does not warrant any interference of this Court.

6. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ssb

To

Principal District Judge, Tiruchirapalli

+1 CC to M/s.G.S.ASOK ADITHYAN, Advocate (SR-18667[F] dated 03/06/2021)

Order made in

C.R.P (MD) .No. 772 of 2021

Dated:

02.06.2021

CN(15.06.2021)2P 6C

<https://hcservices.ecourts.gov.in/hcservices/>