



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 07.07.2021

CORAM

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

C.R.P(PD) (MD)Nos.1360 & 1361 of 2014

and

M.P(MD)Nos.1 and 1 of 2014

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Saravanan

...Petitioner in both petitions

Vs.

Durga

...Respondent in both petitions

COMMON PRAYER:- These Civil Revisions Petition have been filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed by the Principal Sub Court, Kumbakonam in I.A.Nos. 51 and 52 of 2012 in H.M.O.P.No. 19 of 2012, dated 17.03.2014.

For Petitioner : Mr.M.R.S.Prabhu

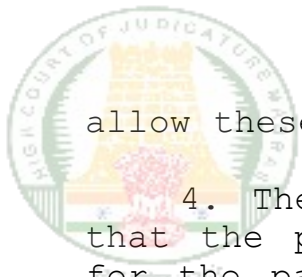
For Respondent : Mr.H.Lakshmi Shankar
(In both petitions)

COMMON ORDER

The present Civil Revision Petitions have been filed to set aside the fair and decreetal order passed by the Principal Sub Court, Kumbakonam in I.A.Nos. 51 and 52 of 2012 in H.M.O.P.No. 19 of 2012, dated 17.03.2014.

2.The facts of the case, in a nutshell, are that the petitioner/husband has filed a petition in H.M.O.P.No.19 of 2012 before the Principal Sub Court, Kumbakonam, for dissolution of marriage. In the said H.M.O.P,the respondent/wife has filed the applications in I.A.Nos.51 and 52 of 2012 for maintenance herself and her son. After hearing parties, the learned Principal Subordinate Judge has awarded a sum of Rs.3,000/- and Rs.2,000/- per month towards maintenance to the respondent and her son. Aggrieved over the same, the petitioner has filed the present revisions.

3.The learned counsel for the petitioner would submit that the respondent/wife has voluntarily deserted the petitioner without any reasons. The petitioner is a poor person and unemployed and the parents of the respondent are having own house and they are getting huge income by doing oil business and from collecting rental income. Therefore, the petitioner need not to pay any maintenance to the respondent and the award passed by the trial Court is excessive and that the order of grant of Court expenses of Rs.2,500/- by the trial Court is incorrect and he prays to



allow these petitions.

4. The learned counsel for the respondent/wife would submit that the petitioner has not paid any amount towards maintenance for the past seven years and she has no source of income. The trial Court has rightly observed that the petitioner is duty bound to maintain the respondent and her son and the amount awarded by the trial Court is reasonable. Therefore, these revisions are liable to be dismissed.

5. This Court heard the learned counsel on either side and considered their submissions and also carefully perused the materials placed on record.

6. Considering the facts and circumstances of the cases and the fact that the reasons stated by the petitioner is not acceptable one and the amount awarded by the Court below is not exorbitant and the same is reasonable one, this Court is not inclined to allow these petitions.

7. In fine, these Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

cp/msa

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To:

1. The Principal Sub Court, Kumbakonam.
2. The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai. (2 Copies)

+1 CC to M/s. H. LAKSHMI SHANKAR, Advocate (SR-21601[F] dated 08/07/2021)
+1 CC to M/s. V. K. VIJAYA RAGHAVAN, Advocate (SR-21999[F] dated 09/07/2021)

C.R.P (PD) (MD) Nos. 1360 & 1361 of 2014 and
M.P (MD) Nos. 1 and 1 of 2014

07.07.2021