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C.R.P.(NPD) No.92 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.(PD) No.92 of 2022
and C.M.P.No.538 of 2022

T.Prasath Kumar

.... Petitioner

-Vs-

Gomathi

.... Respondent

Prayer : Civil Revision Petition under Article 227 of the Constitution of India to set aside the order passed in I.A.No.5 of 2021 in D.O.P.No.634 of 2019 on the file of Additional Family Court, Coimbatore.

For Petitioner : Ms.S.Pooja Shree
for Mr.A.Parthasarathy

ORDER

The petitioner challenges an order of interim maintenance made in an application under Section 36 of the Indian Divorce Act. The petitioner husband sought for divorce under Section 17 and 18 of the said enactment. The said original petition is pending before the Family Court, Coimbatore. The respondent wife filed an application under Section 36 seeking interim maintenance of Rs.15,000/-. This was resisted by the petitioner claiming that the respondent is not entitled to maintenance as she is living apart without any just cause. It was also claimed that the respondent who is working in a private school is drawing a salary of Rs.45000/- as salary. The



fact that the brother and sister of the wife are earning members was also pointed out to refuse maintenance.

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2. The learned Family Judge found that the petitioner is employed in Tamilnadu Police Department and is drawing a decent salary. His take home pay for the month September 2021 was around Rs.45000/- and in November 2021 it got reduced to Rs.36000/- because of certain borrowings made by him during the interregnum. The learned Family Judge found the claim that the respondent was employed and she was drawing a salary of Rs.45,000/- per month has not been established. The Family Court rightly rejected the claim on the basis of the brother and sister of the respondent being earning members. Upon a consideration of the totality of the circumstances, the learned family Judge fixed the monthly maintenance at Rs.15,000/- and directed the same to be paid to the respondent wife. The petitioner did not dispute the fact that he owns a house in Coimbatore. The Family Judge has set out the reasons for arriving at a conclusion that the petitioner is liable to maintain the respondent as well as for fixing the quantum of maintenance at Rs.15,000/- per month.

3. Considering the present day cost of living and the status of the petitioner, I do not find that a sum of Rs.15,000/- is on a higher side and hence, I do not find any merit in the revision. The Civil Revision Petition fails and it is accordingly dismissed.



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No costs. Consequently, connected miscellaneous petition is also dismissed.

WEB COPY

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Index : No
Internet : Yes
KST

To

The Additional Family Court
Coimbatore.



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R. SUBRAMANIAN, J.

KST

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