



C.R.P.(PD) No.405 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD) No.405 of 2022

and

C.M.P. No.2088 of 2022

Deiveegan

... Petitioner

Vs.

Geetha

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order passed by the learned Subordinate Judge, Kallakurichi in I.A. No.62 of 2019 in H.M.O.P. No.152 of 2018 dated 21.01.2020.

For Petitioner : Mr.C.Samivel

ORDER

Challenging the direction to the husband to pay a sum of Rs.5,000/- as maintenance to his wife, the aggrieved husband is before this Court.

2. The revision petitioner had filed the petition for divorce on the file



of the Sub Court, Kallakurichi. Pending the petition, the wife had taken out an application for grant of interim maintenance of a sum of Rs.10,000/- per month and litigation expenses of Rs.10,000/-.

3. The defendant had objected to the demand stating that the petitioner is owning the land measuring 5 acres, out of which, a sum of Rs.50,000/- was being earned per month. That apart, the respondent's brother was working abroad and he earns a sum of Rs.70,000/- per month.

4. According to the revision petitioner, his wife was working in a Co-operative Society earning a monthly income of Rs.20,000/-. Therefore, he would submit that she did not require to be maintained and further he was working in a private medical shop as a Salesman and will not be in a position to pay such huge sum as alimony.

5. The learned Subordinate Judge, Kallakurichi, by Order dated 21.01.2020 was pleased to partly allow the said application by granting a sum of Rs.5,000/- towards interim maintenance and a sum of Rs.10,000/- towards litigation expenses. It is his order that is sought to be challenged by



the husband.

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6. Heard the learned counsel for the petitioner.

7. The only ground that the revision petitioner / respondent denies his liability is on the ground that the wife is employed and has sufficient landed property from which she earns considerable income.

8. Though the petitioner has come forward with such a plea he has not proved the same by letting any evidence. Therefore, now merely, the *ipse-dixit* of the revision petitioner is before this Court.

9. The records would also show that there is a minor child who is on the care and custody of the mother, the petitioner is bound to maintain his child even if he is able to establish that the respondent/wife is employed and drawing sufficient income to maintain herself. However, in the instant case, the petitioner has failed to prove the employment and the source of income of the respondent/wife. In these circumstances, he is bound to pay maintenance for his wife as well as the child and the sum of Rs.5,000/- is a



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very paltry sum considering the present standard of living. In the present circumstances, I do not wish to entertain this revision and put the respondent / wife to further hardship.

10. In the result, this Civil Revision Petition is dismissed and the order passed by the learned Subordinate Judge, Kallakurichi in I.A. No.62 of 2019 in H.M.O.P. No.152 of 2018 dated 21.01.2020 is confirmed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

18.02.2022

Index : Yes/No
Speaking Order : Yes / No
ab/ssn



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To

1. The Subordinate Judge,
Kallakurichi.
2. The Section Officer,
VR Section, Madras High Court,
Chennai.



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P.T. ASHA, J.,

ab/ssn

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