



C.R.P.No.1516 of 2020
and C.M.P.No.8919 of 2020

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

C.R.P.No.1516 of 2020

and

C.M.P.No.8919 of 2020

R.K.Ravi @ Shanmugharaj

... Petitioner

Vs.

1.S.Bhavani

2.Minor. K.R.Dharshini

... Respondents

(Minor petitioner represented by natural
guardian and mother first petitioner Bhavani)

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal orders dated 07.12.2019 passed in I.A.No.1072 of 2018 in CMA.No.6 of 2018 on the file of the II Additional District Court, Tirvallur at Poonamallee.

For Petitioner : Mr.M.K.Hidayathullah

For Respondents : Mr.M.V.Seshachari



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ORDER

The revision petition is filed challenging the fair and decreetal orders dated 07.12.2019 passed in I.A.No.1072 of 2018 in CMA.No.6 of 2018 on the file of the II Additional District Court, Tirvallur at Poonamallee.

2.The revision petitioner is the respondent in I.A.No.1072 of 2018 in CMA.No.6 of 2018 on the file of the II Additional District Court, Thirvallur at Poonamallee.

3.The respondents 1 & 2 filed the petition in I.A.No.1072 of 2018 under Section 24 of the Hindu Marriage Act, directing the present revision petitioner to pay a sum of Rs.40,000/- per month as interim maintenance from the date of the petition and also to pay a sum of Rs.30,000/- as litigation expenses for his wife and daughter. According to the petitioner in the trial Court she was granted interim maintenance of



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Rs.4,500/- per month. The learned II Additional District Judge, Thirvallur, on analysing the entire records granted an interim maintenance of Rs.15,000/- per month to the petitioner and directed the respondent to pay the same on or before 10th of every month from the date of the petition without fail. Challenging the same, the present Civil Revision Petition is filed.

4.In the trial Court, the HMOP 169 of 2011 filed by the husband for dissolution of marriage was dismissed and while the HMOP 221 of 2011 filed by the wife under Section 9 of the Hindu Marriage Act for restitution of conjugal rights was allowed.

5.Mr.M.K.Hidayathullah, learned counsel appearing for the revision petitioner would contend that the orders passed by the II Additional District Judge is cryptic and that he did not consider the actual net salary of the revision petitioner. He would further contend that the revision petitioner is ready to pay a sum of Rs.10,000/- per month to the respondents towards maintenance.



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6.Per contra Mr.M.V.Seshachari, learned counsel appearing for the respondents would contend that the revision petitioner is working as a Senior OSS Engineer in a Multinational Company and his gross monthly income is Rs.1,19,057/- with net salary of Rs.84,000/-. He would further contend that the learned II Additional District Judge, Thiruvallur, taking into account this aspect had passed the order and the same need not be interfered in the present Civil Revision Petition. He would further contend that the girl child K.R.Dharshini is now aged 12 years and with the meagre amount of Rs.10,000/-, the respondents would not be able to maintain themselves.

7.It is seen from the records that the second petitioner minor K.R.Dharshini is a school going child who is now aged 12 years and the first petitioner has to pay the rents and meet out other expenses like medical and other basic requirements. It is pertinent to point out that



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though the petition in HMOP No.221 of 2011 filed by the respondents for restitution of conjugal rights was allowed, the present revision petitioner did not take any steps to live with the respondents herein. The lower appellate Court after analysing the salary particulars of the present revision petitioner (Ex.P1 & Ex.P2) which show the gross income of the revision petitioner as Rs.1,19,057/- and net salary as Rs.84,000/- had awarded maintenance of Rs.15,000/- per month.

8.In the facts and circumstances, I do not see any reason to interfere with the findings recorded by the lower appellate Court.

9.Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

11.11.2022

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl

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R. HEMALATHA, J.

mtl

To

- 1.The II Additional District Court, Tirvallur at Poonamallee.
- 2.The Section Officer, VR Section, High Court, Madras.

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