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C.R.P(PD).No.1229 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM :

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.R.P.(PD).No.1229 of 2022
and C.M.P.No.6610 of 2022

T.Duraivel

... Petitioner

..Vs..

V.Malathi

... Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order in I.A.No.154 of 2019 in H.M.O.P.No.68 of 2019 dated 10.12.2021 passed by the learned Sub Judge, Ponneri.

For Petitioner : Mr.S.Jayakumar

For Respondent : Mr.P.Veeraraghavan

ORDER

This Civil Revision Petition has been preferred challenging the order of the learned Sub Judge, Ponneri, dated 10.12.2021 made in I.A.No.154 of 2019 in H.M.O.P.No.68 of 2019.



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2.The revision petitioner is the husband and the respondent/wife has filed HMOP.No.68 of 2019 for divorce. During the pendency of the said proceedings, the respondent/wife filed a petition for interim maintenance in I.A.No.154 of 2019 and the same was allowed by fixing an interim maintenance of Rs.15,000/- per month. Aggrieved over that, the petitioner/husband has preferred this revision.

3.The learned counsel for the petitioner submitted that the petitioner has filed HMOP.No.102 of 2019 for restitution of conjugal rights. He further submitted that the respondent/wfie is also working and hence, interim maintenance fixed at Rs.15,000/- per month is very high and it may be reduced.

4.The learned counsel for the respondent/wife submitted that the respondent is not working anywhere and the petitioner alone is employed as a Senior Supervisor at MITSUBA India Private Limited, SIPCOT Industrial Complex, Gummidipoondi and he is earning a sum of



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Rs.65,000/- per month. The order of interim maintenance passed is only temporary relief till the disposal of the main proceeding itself.

5. Eventhough the revision petitioner/husband claims that the respondent/wife is still employed, no document is produced for the same. The couple has got 9 year old minor son and he is also living with his mother. Since the petitioner/husband has filed a petition for restitution of conjugal rights, he is bound to maintain both his wife and son till the disposal of the proceedings and prove his goodwill. When a petition for interim maintenance is filed, the Court can only look into the financial status of the parties, their commitments, the cost of living and all other attendant circumstances.

6. Though the respondent/wife requested interim maintenance of Rs.25,000/-, the learned trial Judge has fixed it at Rs.15,000/- only. The amount of interim maintenance fixed at Rs.15,000/- per month seems to be reasonable in the present cost of living and the petitioner/husband



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also has the financial ability to pay the same. However, taking into consideration of the respective submissions of the counsels, I feel that a direction can be given to the learned trial Judge to dispose of the proceedings as expeditiously as possible.

7. Accordingly, the Civil Revision Petition is dismissed and the fair and decretal order in I.A.No.154 of 2019 in H.M.O.P.No.68 of 2019 dated 10.12.2021 passed by the learned Sub Judge, Ponneri, is hereby confirmed. There shall be a direction to the learned trial Judge to dispose of the proceedings in H.M.O.P.Nos.68 and 104 of 2019 as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petition is also closed.

17.06.2022

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Index: Yes No

Speaking Order: Yes/No



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To

- 1.The Sub Judge, Ponneri.
- 2.The Section Officer,
VR Section, Madras High Court,
Chennai.



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R.N.MANJULA,J.

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