



C.R.P.(PD)No.1663 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(PD)No.1663 of 2022

and

C.M.P.No.8271 of 2022

S.Saravanan

... Petitioner

..Vs.

Sakunthala

... Respondent

Prayer :- Civil Revision Petition filed under Article 227 of Constitution of India to set aside order dated 03.01.2022 made in I.A.No.1 of 2020 in H.M.O.P.No.53 of 2020 on the file of the learned Subordinate Judge, Sankari, by allowing the Civil Revision Petition.

For Petitioner : Mr.A.Ilayaperumal

For Respondent : Mr.M.Santhanaraman

ORDER

This Civil Revision Petition has been preferred challenging the order dated 3.1.2022 made in I.A.No.1 of 2020 in H.M.O.P.No.53 of 2020 on the file of the Subordinate Court, Sankari.

2.The revision petitioner is the husband, who has filed the original



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petition in H.M.O.P.No.53 of 2020 for dissolution of marriage against the respondent. During the pendency of the petition, the respondent/wife filed an interlocutory application in I.A.No.1 of 2020 under Section 24 of the Hindu Marriage Act, claiming interim maintenance to herself and her child. The said petition was allowed and interim maintenance was fixed at Rs.10,000/- per month to both the wife and the child. Aggrieved over the same, the respondent/husband has filed the present revision petition.

3. Heard the learned counsel on either side and perused the materials available on record.

4. The learned counsel for the revision petitioner submitted that the respondent/wife is running a bakery shop and thereby, she is earning Rs.50,000/- per month; the petitioner did not have any financial status to pay the maintenance of Rs.10,000/- per month and hence, the above said order should be set aside.



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5. The learned counsel for the respondent submitted that the learned Subordinate Judge, Sankari has fixed the interim maintenance by taking into account of the cost of living and other circumstances and it is very reasonable. The further submission of the learned counsel for the respondent is that the revision petitioner is running a computer training centre and mobile phone sales shop and hence, it is possible for him to pay the interim maintenance of Rs.10,000/- as fixed by the trial Court.

6. On perusal of the records, it is seen that the respondent/wife has filed the application for interim maintenance by stating that it is not possible to maintain herself and her child. Though it is alleged by the petitioner that the respondent is running a bakery shop, the same was not established before the Court. The child of the parties, is in the custody of the respondent and hence, she has to take care of the child also. Though the revision petitioner did not admit his occupation and income, the learned trial Judge has chosen to fix a reasonable sum as maintenance by presuming a reasonable income for the revision petitioner.



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7. Even if the revision petitioner is not employed, it is his bounden duty to maintain his wife and his child by undertaking any occupation. The petitioner cannot avoid from paying the maintenance to his wife and child by stating that he is not employed anywhere. The respondent is not a working woman and she did not earn money to support herself and her child. Since the responsibilities of taking care of the child is now with the respondent, the lower Court has considered the claim for interim maintenance in the light of the circumstances of the case and fixed the maintenance at Rs.10,000/- per month as interim maintenance. In the present cost of living and other recurring expenses, I feel the interim maintenance fixed at Rs.10,000/- per month is very much reasonable and it does not require any interference.

8. In the result, this Civil Revision Petition is dismissed and the order dated 03.01.2022 passed in I.A.No.1 of 2020 in H.M.O.P.No.53 of



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2020 by the learned Subordinate Judge, Sankari is confirmed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index:Yes No
Speaking Order:Yes/No
ms

To

The Subordinate Judge,
Sankari.



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R.N.MANJULA, J.

ms

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