



C.R.P(PD).No.2118 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P(PD).No.2118 of 2022
and C.M.P.No.10925 of 2022

P.Vasudevaraju

... Petitioner

Vs

P.Gowri

... Respondent

Prayer:- Petition is filed under Article 227 of the Constitution of India, pleaded to set aside the Fair and Decreetal order dated 23.04.2022 made in I.A.No.21 of 2018 in H.M.O.P.No.55 of 2012 on the file of Principal Subordinate Judge, Hosur and to allow the above Civil Revision Petition.

For Petitioner : Mr.C.Prabakaran

ORDER

This Civil Revision Petition has been preferred challenging the order of the learned Principal Subordinate Judge, Hosur, dated 23.04.2022 made in I.A.No.21 of 2018 in H.M.O.P.No.55 of 2012.



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2. The revision petitioner/husband, who has filed original Petition in H.M.O.P.No.55 of 2012 for dissolution of Marriage against the respondent/wife. During the pendency of the said proceedings, the respondent filed petition in I.A.No.21 of 2018 under Section 24 of the Hindu Marriage Act, seeking the order for interim maintenance at the rate of Rs.30,000/- per month and a sum of Rs.10,000/- towards litigation expenses. The learned Principal Subordinate Judge, Hosur has allowed the application and directed the revision petitioner to pay a sum of Rs.13,500/- as monthly maintenance and Rs.15,000/- towards litigation expenses. Aggrieved over that the revision petitioner has preferred this revision.

3. Learned counsel for the petitioner submitted that apart from this petition, the respondent/wife has filed a petition under Domestic Violence Act and in that also the revision petitioner was directed to pay a sum of Rs.6,000/- per month as maintenance to the respondent and hence, the fixation of the maintenance in this petition at Rs.13,500/- is high and it should be either modified or reversed.



4. It is seen that the matrimonial proceedings between the parties are pending from the year 2012. The couples have two female children aged about 21 years and 18 years and they are in the custody of the wife. Even though, it might be true that a sum of Rs.6,000/- has been ordered in DVC proceedings, that cannot be sufficient to maintain the respondent and her two grown up children. The revision petitioner is working as a Government Teacher and he has been earning a net salary of Rs.61,616/-. Despite the net salary is shown as Rs.27,482/- after deductions, some deductions were made at the option of the revision petitioner himself. Since, the respondent did not have any other income to maintain herself and two daughters, the learned Principal Subordinate Judge, Hosur has fixed it at a sum of Rs.13,500/-, which in my opinion is reasonable. While passing orders for maintenance, the Courts will normally take into consideration of the immediate necessities for survival.

5. However, the Judge, who tries a matrimonial case can have interaction with the parties and assess the ground realities. The matrimonial proceedings are pending from the year 2012 and hence, the learned Principal Subordinate Judge,



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Hosur is required to bestow his best attention to dispose the main Original Petition

itself as early as possible.

6. In the result, the Civil Revision Petition is dismissed and the order of the learned Principal Subordinate Judge, Hosur, dated 23.04.2022 made in I.A.No.21 of 2018 in H.M.O.P.No.55 of 2012 is hereby confirmed. Consequently, connected Miscellaneous Petition is closed. No costs.

11.07.2022

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Index : Yes

Internet : Yes

Speaking Order

To

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



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R.N.MANJULA, J.

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