

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2022

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

CRP.No. 2162 of 2020

Rajeswari

.. Petitioner

Versus

Subramaniyan

.. Respondent

Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order dated 11.01.2020 made in I.A.No. 27 of 2019 in H.M.O.P.No. 51 of 2018 on the file of the Subordinate Judge, Neyveli.

For Petitioner	: Mr.V.Rajesh Babu
For Respondent	: No Appearance

ORDER

This Civil Revision Petition has been filed to set aside the fair and decretal order dated 11.01.2020 made in I.A.No. 27 of 2019 in H.M.O.P.No. 51 of 2018 on the file of the Subordinate Judge, Neyveli.

2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. No representation on behalf of the respondent.

4. On perusal of the records, it is seen that the marriage between the petitioner/wife and the respondent/husband was solemnized on 15.06.1997 at Neively. From the wedlock, they got two children. After some dispute arose between them, the respondent/husband filed H.M.O.P.No.51 of 2018 before the Court below, Neiveli, under Section 13(1)(i-a) of the Hindu Marriage Act, for dissolving the marriage. During the pendency of the original petition, the petitioner/wife filed I.A.No. 27 of 2019 under Section 24 of the Hindu Marriage Act, seeking interim maintenance of Rs.30,000/- p.m. and Rs.50,000/- for medical expenses. After perusing the records, the trial Court directed the respondent/husband to pay a sum of Rs.7,500/- per month as interim maintenance. Challenging the same, the present revision has been filed.

5.Mr.V.Rajesh Babu, learned counsel appearing for the petitioner/wife submitted that the trial Court ought not to have fixed the paltry sum of Rs.7,500/- would be inadequate to make the petitioner's family and day to day expenses and the said amount is very meager. However, the respondent/husband is earning a total salary of Rs.1,19,613/-p.m. from Neively Lignite Corporation. Hence, he seeks to enhance the interim maintenance.

6.This Court carefully considered the submission of the learned counsel appearing for the petitioner/wife and perused the materials available on record.

7.In the instant case, the relationship of the parties is not in dispute. The petitioner/wife, in the interim application, has stated that she is unemployed, whereas, the respondent/husband, by working as a 'Chief Technician' in the Neively Lignite Corporation, is receiving salary of Rs.1,19,613/- per month. The petitioner/wife contested the interim application stating that the respondent/husband is working in Neively Lignite Corporation and also getting regular income. It is seen from the

records that the respondent/husband filed HMOP before the trial Court, and the petitioner/wife has also filed maintenance case under Section 24 of the Hindu Marriage Act, and the respondent/husband has admitted during the course of hearing before the trial Court that his gross salary is Rs.1,19,613.49 and net salary is Rs.39,740/-. Taking note of these aspects, the trial Court directed the respondent/husband to pay a sum of Rs.7,500/- per month as interim maintenance.

8. Taking into consideration the salary now drawn by the respondent/husband and also in the present day cost of living of Rs.7,500/ awarded by the trial court is not sufficient to maintain petitioner/wife's life and her children, this Court is inclined to enhance the interim maintenance from Rs.7,500/- to Rs.15,000/- payable by the respondent/husband to the petitioner/wife on 5th of every English calender month from December, 2022. The respondent/husband also directed to pay the arrears of the interim maintenance, if any, as per the order of the trial Court within a period of one month from the date of receipt of a copy of this order.

9. Considering the fact that the divorce petition is pending for the past four years and it is posted for enquiry, the trial Court is directed to dispose of the main H.M.O.P.No.51 of 2018, pending on the file of the Subordinate Judge, Neyveli, on merits and in accordance with law, as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order. The parties are directed to co-operate for disposal of the case.

10. In view of the above, this Civil Revision Petition is allowed by setting aside the findings of the trial Court. There shall be no order as to costs.

15.12.2022

Speaking order / Non speaking order
msm

To

1. The Subordinate Judge, Neyveli.
2. The Section Officer, High Court, Madras.

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V.BHAVANI SUBBAROYAN, J.

msm

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