



CRP (PD) No. 2872 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.01.2022**

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP (PD) No. 2872 of 2021

and

CMP No. 21756 of 2021

R.G.Ramesh

... Petitioner/Respondent/Petitioner

Vs

Hema

... Respondent/Petitioner/Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 06.09.2021 made in I.A.No. 1 of 2020 in H.M.O.P.No. 213 of 2019 passed by the learned Principal Subordinate Judge, Mayiladuthurai.

For Petitioner : Mr. P. Dinesh Kumar

ORDER

Challenge in this Revision is to the order granting interim maintenance at Rs.20,000/- per month for the wife and the minor daughter.

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2. The petitioner/husband had sought for divorce, in H.M.O.P.No. 213 of 2019 on the file of Principal Sub Court, Mayiladuthurai, on the ground of cruelty. Pending the said Petition, the wife sought for interim maintenance. She would claim that the husband is employed in United States and earning at least Rs.5/- lakhs per month and seek interim maintenance at Rs.1,50,000/- per month for herself and the child apart from claiming a sum of Rs.10,000/- towards litigation expenses.

3. The husband resisted the said claim contending that he is no longer employed in United States and he has come back to India. It is his further contention that the wife is working in a private School and is earning Rs.15,000/- per month.

4. The learned Subordinate Judge on consideration of the rival claims concluded that the petitioner/husband is liable to pay at least Rs.20,000/- as monthly maintenance for the wife and child. The Court also ordered Rs.10,000/- towards litigation expenses.



5. Mr.P.Dinesh Kumar, learned counsel appearing for the petitioner/husband would vehemently contend that the grant of maintenance of Rs.20,000/- per month is on the higher side considering the fact that the husband is no longer working in United States.

6. I do not think such a contention could be accepted. At the time of marriage the husband was working in United States and projecting that status, he got married. Therefore, he is liable to maintain the wife at that status. She should be given all facilities that would be available if the husband continues to work in United States. No doubt, the husband is at liberty to quit his job but he cannot cite that as a reason to wriggle out of the obligation to maintain the wife. On today's cost of living, I am unable to agree with the statement of the learned counsel that grant of Rs.20,000/- per month as maintenance for the wife and child is on the higher side. I therefore see no merits in this Civil Revision.



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7. Hence, this Civil Revision Petition fails and it is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

05.01.2022

vsg

Index: Yes/No

Speaking order / Non speaking order

To:

1. Subordinate Court, Mayiladuthurai.

2. The Section Officer,
VR Section,
Madras High Court, Chennai.



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R.SUBRAMANIAN, J.

Vsg

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