



CRP(MD)No.1110 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

CRP(MD)No.1110 of 2022

S.Uma Maheshwari

: Petitioner

Vs.

T.Senthilvel

: Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records pertaining to the fair and decreetal order dated 12.04.2022 made in I.A.No.2 of 2022 in H.M.O.P.No.352 of 2021 on the file of the Family Court, Tirunelveli and set aside the same.

For Petitioner : Mr.R.Maheswaran

For Respondent : Mr.D.Venkatesh

ORDER

This revision petition is filed as against the quantum of interim alimony awarded by the Family Court, Tirunelveli.

2.The petitioner is the wife and the respondent is the husband. Their marriage was solemnized on 12.09.2018. The petitioner is suffering from *Systemic*



Lupus Erythymatosis, a rare disease. The respondent / husband is having a grievance that the petitioner has suppressed about her illness before the marriage and therefore, the parties are living separately. The petitioner has filed HMOP.No. 151 of 2020 before the Family Court, Tirunelveli, seeking restitution of conjugal rights and thereafter, the respondent has filed HMOP.No.99 of 2021 before the Sub Court, Tiruchendur, seeking divorce. The divorce petition was later transferred to the Family Court, Tirunelveli and renumbered as HMOP.No.352 of 2021. Pending these applications, the petitioner has moved an interlocutory application in I.A.No. 2 of 2022 seeking interim maintenance of a sum of Rs.20,000/- per month, however, the trial Court, by the order impugned dated 12.04.2022, has awarded a sum of Rs.7500/- as interim maintenance. Aggrieved over the same, the petitioner / wife has filed the instant revision.

3.Learned Counsel for the petitioner submitted that though the petitioner was suffering from *Lupus Erythymatosis*, the condition was detected only after the marriage. Now her condition got aggravated and therefore, she is taking treatment. The expenditure required for the treatment is also huge and therefore, the petitioner has filed the interlocutory application seeking maintenance. In fact, the respondent / husband is working as a Technician in Nuclear Fuel Complex (NFC),



drawing Gross Salary of Rs.78,595/- and Net Salary of Rs.58,700/-. Therefore, the quantum fixed by the trial Court is not proper and he prayed for enhancement.

4.Learned Counsel for the respondent submitted that the petitioner has suppressed her medical condition before the marriage and therefore, the respondent has filed the divorce petition. In fact, she has already filed a maintenance petition in MC.No.5 of 2021 before the Family Court, Tirunelveli. The learned Counsel also disputed the quantum of Gross and Net Salary as stated by the petitioner's Counsel. According to him, the respondent is getting a sum of Rs.34,000/- as salary, per month and he has to take care of his aged mother. Therefore, he prayed for dismissal.

5.This Court paid it's anxious consideration to the rival submissions and also to the materials placed on record.

6.The marriage between the parties was solemnized on 12.09.2018. The relationship between the parties appears to have got strained and the petitioner has filed a petition for restitution of conjugal rights and the respondent has filed a petition for divorce. The petitioner has also filed a petition for maintenance in



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MC.No.5 of 2021 and pending these applications, she has moved the present interlocutory application seeking interim alimony. The petitioner is suffering from *Systemic Lupus Erythymatosis*, an auto immune rare disease. To meet her medical expenses, she sought for interim alimony and the trial Court has awarded a sum of Rs.7500/- per month as interim maintenance.

7.Considering the nature of disease, the medical expenses required and the employment status of the respondent, this Court is inclined to enhance the interim maintenance from Rs.7500/- to Rs.10,000/- per month. Accordingly, this petition stands allowed and the interim maintenance is fixed as Rs.10,000/- per month, payable by the respondent to the petitioner. Needless to state that this interim maintenance amount shall be adjusted in the quantum of maintenance to be arrived at in MC.No.5 of 2021. There shall be no order as to costs.

Index : Yes / No
Internet : Yes
gk

31.10.2022

To

The Judge,
Family Court, Tirunelveli.



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B.PUGALENDHI, J.

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