



CRP(PD)(MD)No.1250 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.1250 of 2022
and CMP(MD)No.5143 of 2022

A.Viswanathan

... Petitioner

versus

Muthu Sangeetha

... Respondent

Civil Revision Petition filed under Article 227 of Constitution of India, against the fair and decretal order dated 05.04.2022 made in I.A.No.29 of 2021 in H.M.O.P.No.1 of 2021 on the file of the Sub Court, Kovilpatti.

For Petitioner : Mr.B.Rajesh Saravanan

For Respondent : Mr.S.Ragaventhre

ORDER

This Civil Revision Petition is filed against the order dated 05.04.2022 made in I.A.No.29 of 2021 in H.M.O.P.No.1 of 2021 on



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the file of the Sub Court, Kovilpatti.

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2. The petitioner herein is the husband of the respondent. Their marriage was solemnized on 10.11.2019 as per Hindu customs and rituals. Due to some difference of opinion, now, they are living separately. Thereafter, the petitioner/husband filed H.M.O.P.No.1 of 2021 before the Sub Court, Kovilpatti, seeking divorce. Pending this petition, the respondent/wife filed I.A.No.29 of 2021 seeking interim maintenance of Rs.1,00,000/- claiming that the petitioner is running a fertilizer shop and having sufficient income of Rs.10,00,000/- p.m. Though the petitioner/husband denied the same, the trial Court, by order 05.04.2022, passed an order directing the petitioner/husband to pay a sum of Rs.10,000/- p.m. as interim maintenance and also to pay the arrears of maintenance of Rs.1,35,000/-. The trial Court has also directed the petitioner/husband to pay a sum of Rs.30,000/- towards litigation expenses to the respondent/wife. Aggrieved over the same, the present Civil Revision Petition is filed.



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3. The learned counsel appearing for the petitioner submits that the petitioner herein is not running a Fertilizer shop and he is working as a worker in the Fertilizer shop. Further, he is not having sufficient income to pay the interim maintenance of Rs.10,000/- p.m. to the respondent. However, the trial Court, without ascertaining the same, has passed the above order directing him to pay a sum of Rs.10,000/- p.m. as interim maintenance. The learned counsel further submits that though the respondent/wife claims that the petitioner is running a Fertilizer shop, she has not produced any document to prove the same.

4. The learned counsel appearing for the respondent submits that the petitioner's father was running a Fertilizer shop at Kovilpatti and after the demise of his father, the petitioner is running the shop and therefore, he is having sufficient income to pay the maintenance amount. Further, the petitioner is also having sufficient amount in the



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Bank deposit. However, the respondent, being an illiterate lady, is not in a position to collect those details and produce the same before the trial Court. The trial Court, after satisfying with the averments, awarded this amount of Rs.10,000/- p.m. as interim maintenance. Therefore, there is no reason to interfere with the same.

5. This Court considered the rival submissions made and perused the materials available on record.

6. The petitioner has filed the divorce petition in HMOP No.1 of 2021, which is pending before the Sub Court, Kovilpatti. The respondent/wife has also filed an application for interim maintenance in IA.No.29 of 2021 seeking a sum of Rs.1,00,000/- and the Court has awarded a sum of Rs.10,000/- as interim maintenance. This is only an interim arrangement. Therefore, this Court is inclined to modify the above order. The petitioner shall pay a sum of Rs.8,000/- (Rupees Eight Thousand only) to the respondent every month instead of



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Rs.10,000/-. The petitioner is permitted to pay the arrears of amount as modified above in three equal monthly installments, commencing from 05.12.2022. Considering the request made by the learned counsel on either side, the learned Sub Judge, Sub Court, Kovilpatti, is directed to expedite the proceedings in H.M.O.P.No.1 of 2021 and dispose of the same within a period six months from the date of receipt of a copy of this order. With regard to the litigation expenses, this Court is not inclined to interfere with the order of the trial Court.

7. The Civil Revision Petition is disposed of accordingly. No costs. Consequently connected miscellaneous petition is closed.

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B.PUGALENDHI, J.

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To

1. The Sub Court,
Kovilpatti.

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