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CRP (MD) No.1898 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 09.11.2022

CORAM:

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

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and

CMP (MD) No.8540 of 202

Karthick

... Petitioner

Vs

Kiruthika

... Respondent

PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, to call for the records pertaining to the impugned order dated 03.08.2022 passed in IA.No.10 of 2022 in HMOP.No.87 of 2022 on the file of the learned Sub Court, Oddanchatram and set aside the same and consequently dismiss the same.

For Petitioner : Mr.R.Narayanan

For Respondent : Mr.A.Arumugam

ORDER

This Civil Revision Petition is filed as against the impugned order dated 03.08.2022 passed in IA.No.10 of 2022 in HMOP.No.87 of 2022 by the learned Sub Judge, Oddanchatram.



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2.The petitioner has filed the divorce petition in HMOP.No.87 of 2022 and in that petition, the respondent wife has filed the above IA.No.10 of 2022 seeking interim maintenance for herself and for their minor child. The Court considered that the petitioner is a Homeopathy Doctor and awarded a sum of Rs.30,000/- as interim maintenance for herself and her minor child, pending the HOMP proceedings. Aggrieved over the same, the present Civil Revision Petition is filed by the petitioner/ husband.

3.The learned Counsel for the petitioner submits that the petitioner is practising as Homeopathy doctor, but he is not having sufficient income as stated by the wife. However he is prepared to pay a sum of Rs.10,000/- to his wife and his son as monthly maintenance without any default and with regard to the arrears of maintenance he has already paid a sum of Rs.50,000/- pursuant to the orders of the Court. The petitioner is also prepared to pay the balance amount in two equal installments, within a period of six weeks .



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4. The learned Counsel for the respondent submits that the respondent is not having sufficient means to maintain them and she is finding it very difficult to lead her life and therefore, the trial Court has rightly awarded Rs.30,000/- as maintenance.

5. Heard the learned Counsel on either side and perused the materials placed on record.

6. The trial Court has awarded Rs.30,000/- as maintenance to the respondent wife and the son, considering that the petitioner is a Homeopathy Doctor. However, the petitioner claims that though he is a Homeopathy Doctor, he is not getting sufficient income and he is also prepared to pay a sum of Rs.10,000/- to the wife and son and also prepared to pay the arrears within a period of six weeks. The maintenance awarded by the trial Court is only an interim arrangement, pending the HMOP proceedings. Therefore, Considering the plea of the petitioner, this Court modifies the maintenance award as Rs.10,000/- to the wife and son and the petitioner shall pay the arrears of the maintenance amount as undertook by him within a period

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of six weeks from the date of receipt of a copy of this order. The trial Court shall dispose of HMOP.No.87 of 2022 within a period of six months from the date of receipt of a copy of this order.

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

09.11.2022

dsk

To

The Sub Judge,
Oddanchatram.



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B. PUGALENDHI, J.

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