



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2022

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P(MD)No.2362 of 2017

and

C.M.P(MD) No.11347 of 2017

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Naina @ Murugesan

... Petitioner

Vs.

Selva Sundari

... Respondent

PRAYER:- Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order and decree passed dated 16.09.2016 made in I.A.No.30 of 2015 in H.M.O.P.No.52 of 2014 on the file of the Additional Sub Court, Kumbakonam and allow this civil revision petition.

For Petitioner : Mr.G.Gomathi Sankar, Advocate

For Respondent : No appearance

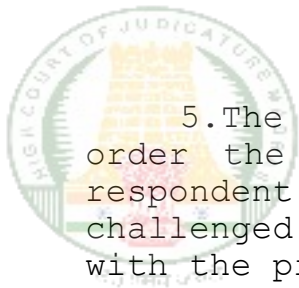
ORDER

The husband is the revision petitioner before this Court challenging the order passed by the Additional Subordinate Judge, Kumbakonam granting interim maintenance of a sum of Rs.6,500/- per month to the respondent/wife.

2.The revision petitioner has filed H.M.O.P.No.52 of 2014 on the file of the Additional Subordinate Judge, Kumbakonam, for divorce on the ground of cruelty.

3.The respondent/wife has filed a counter refuting the said allegation. Thereafter, the wife has filed the petition in I.A.No.30 of 2015 under Section 24 of the Hindu Marriage Act, 1955 claiming maintenance of a sum of Rs.25,000/- per month. In the application, she has stated that the petitioner by profession is a Tailor and apart from that, he also does business in textiles and earns a monthly income of Rs.40,000/-. He has not cared to maintain the respondent and his two children.

4.These statements have not been denied by the petitioner in his counter and he has only stated that the petition has been filed belatedly, when the matter is posted for continuation of his cross examination.



5.The learned Judge, by order, dated 16.09.2016 was pleased to order the monthly maintenance only a sum of Rs.6,500/- for the respondent as well as the two children. The respondent has not challenged the said order. However, the husband has come forward with the present petition.

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6.Heard the learned counsel appearing for the revision petitioner and perused the records. The respondent though served has chosen to not appear either in person or through pleader.

7.Admittedly, the petitioner has not been maintaining his wife and two children. He has also not denied the contention of the wife that he is earning a monthly income of Rs.40,000/-. It is needless to state that it is the duty of the petitioner as a husband and father, to maintain his wife and children. The petitioner has neglected his duty. Therefore, I do not find any reason to interfere with the order passed by the learned Judge.

8.In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (Writ)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To :-

The Additional Subordinate Judge,
Kumbakonam

+1 cc to Mr.G.GOMATHI SANKAR, Advocate, SR.No.99

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