



C.R.P(MD).No.644 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P(MD).No.644 of 2023

and

CMP(MD)No.2985 of 2023

S.Saravanan

... Petitioner/Respondent

Vs.

C.Manimala

... Respondent/Petitioner

PRAYER:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the impugned fair and decreetal order in I.A.No.1 of 2021 in H.M.O.P.No.109 of 2020 dated 02.11.2022, on the file of the Family Court, Kanyakumari @ Nagercoil.

For petitioner : Mr.P.M.Vishnuvarthanan

ORDER

This petition has been filed to set aside the impugned fair and decreetal order passed by the Family Court, Kanyakumari @ Nagercoil, in I.A.No.1 of 2021 in H.M.O.P.No.109 of 2020 dated 02.11.2022.



2.The petitioner has filed HMOP.No.109 of 2022 for dissolve the marriage with the respondent. In the aforesaid proceedings, the respondent filed I.A.No.1 of 2021 for interim maintenance. In that proceeding, the respondent prayed for a sum of Rs.15,000/- as maintenance for her and her minor child. The Court has awarded a sum of Rs.10,000/- as maintenance.

3.It is the specific case of the petitioner that the lower Court committed error in awarding Rs.10,000/- as interim maintenance based on the salary drawn by the petitioner as a employee of 'Sri Ram Housing Finance Limited'. It is submitted that the petitioner was relieved from 'Sri Ram Housing Finance Limited' as earlier as 13th July 2017. Currently, he is working in a private concern and drawing a sum of Rs.8,000/- per month. It is submitted that the petitioner is not capable of paying Rs.10,000/- towards maintenance when the salary itself is Rs.8,000/- per month.

4. The petitioner has not produced any documents to substantiate that the petitioner is earning only a sum of Rs.8,000/- per month. The petitioner has also not produced any document to substantiate that the respondent is not without means and can maintain herself. Therefore, there is no merits in this Civil Revision Petition. I am of the view that the Trial Court has rightly come



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to the conclusion by awarding interim maintenance of Rs.10,000/- to the respondent.

5.After considering the argument advanced by the learned counsel for the petitioner and also perusing the impugned order passed by the Family Court, Kanniyakumari in I.A.No.1 of 2021, I am of the view that no interference is called for.

6.Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

15.03.2023

NCC : Yes/No
Index : Yes/No
Internet:Yes/No
dss

To

1.The Sub Court,
Thuraiyur.

2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

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