

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.03.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.425 of 2023 and
CMP(MD) No.2066 of 2023

M.Pradeep Kumar

... Petitioner/Plaintiff

Vs.

S.Shanmuga Priya

...Respondent/Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed in I.A.No.1 of 2022 in H.M.O.P.No.154 of 2021 on the file of the Additional Sub Court, Tenkasi, dated 09.12.2022 by allowing this Civil Revision Petition.

For Petitioner	:Mr.S.Suresh Manickam
For Respondent	:Mr.A.Balakrishnan

ORDER

This Civil Revision Petition is filed as against the order passed by the learned Additional Sub Judge, Tenkasi, in I.A.No.1 of 2022 in H.M.O.P.No.154 of 2021, dated 09.12.2022.

2.The petitioner is the respondent before the Additional Sub Court Tenkasi in I.A.No.1 of 2022 in H.M.O.P.No.154 of 2020. H.M.O.P.No.154 of 2020 has been filed by the petitioner for dissolution of marriage, wherein, the respondents filed I.A.No.1 of 2022 for interim maintenance of the minor child, under Section 24 of Hindu Marriage Act, 1955. The respondent had claimed a sum of Rs.20,000/- as interim compensation for taking care of the child. It is the specific case of the petitioner that the petitioner and the respondent are employed and that the petitioner is working in BOSCH(Seimens) and drawing a monthly salary of Rs.69,000/-, whereas, the respondent is a software Engineer, who is working in Infosys and drawing a monthly salary of Rs.1,25,000/- and therefore the amount which has been ordered to be paid towards monthly maintenance of minor child at Rs.12,000/- is too high.

3.I have considered the arguments advanced by the learned counsel on either side.

4.The parties are young couple with a minor child. The petitioner was aged about 30 years at the time of filing of the petition in H.M.O.P No.65 of 2021 before the Family Court, Tirunelveli, which was subsequently transferred to the Additional Sub Court, Tenkasi and renumbered as H.M.O.P No.154 of 2021. The respondent is only aged about 24 years at the time when the aforesaid HMOP was filed before the Family Court, Tirunelveli, before it was transferred to Additional Sub Court, Tenkasi in H.M.O.P No.154 of 2021. The petitioner has not produced any document to substantiate that the respondent is sufficient means to take care of the minor child. In any event, the parents have joint responsibility to bring up the child.

5.In my view, the amount awarded by the Additional Sub Court, Tenkasi is reasonable and there is no need for interference. However, considering the fact that the parties are young couple and there is a scope for settlement of dispute between them, I direct the Additional Sub Court, Tenkasi to refer the parties to the Mediation Centre attached to the District Court, as early as

possible, preferably during the second week of April 2023.

6.This Civil Revision Petition stands disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

23.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
vrn

To

- 1.The Additional Sub Court, Tenkasi
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

C.R.P(MD)No.425 of 2023

C.SARAVANAN,J.

vrn

C.R.P(MD)No.425 of 2023 and
CMP(MD) No.2066 of 2023

23.03.2023