



CRP(MD).NO.883 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2023

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

CRP(MD).No.883 of 2022

and

C.M.P(MD).No.3589 of 2022

Mahamani

... Petitioner

Vs.

M.Saranya

... Respondent

PRAYER : Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 26.10.2021 passed in I.A.No.2 of 2021 in H.M.O.P.No.106 of 2020 on the file of the learned Principal Subordinate Judge, Tiruchirappalli.

For Petitioner : Mr.S.M.Mohan Gandhi

For Respondent : Mr.D.S.Haroon Razath

ORDER

The present civil revision petition has been filed by the husband challenging an interim order passed by the learned Principal Subordinate Judge, Tiruchirappalli, directing the husband to pay a sum of Rs.10,000/- towards maintenance to his wife and minor son.



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2. Admittedly, the petitioner is a Railway employee and he had filed H.M.O.P.No.106 of 2020 to dissolve the marriage. While the said application is pending, the wife had filed I.A.No.1 of 2021 for payment of litigation expenses and I.A.No.2 of 2021 for payment of interim maintenance. The learned trial Judge, has allowed I.A.No.1 of 2021 and directed the husband to pay a sum of Rs.15,000/- towards litigation expenses, which has not been challenged by the husband. However, the present revision petition has been filed challenging the order passed in I.A.No.2 of 2021 under which the husband was directed to pay a sum of Rs.10,000/- towards maintenance of his wife and minor son.

3. According to the petitioner, after deduction, he is receiving a sum of Rs.8,000/- and hence, he is not able to pay the said amount.

4. As per the order of the Hon'ble Supreme Court, the assets and liabilities sheet has not been filed by the petitioner and it is not known for what reason the petitioner has taken loan and repaying the same from his salary. Being a Central Government employee the petitioner is bound to maintain his wife and minor son and the trial Court



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has directed only to pay a sum of Rs.10,000/- towards maintenance of his wife and minor son. This Court does not find any illegality or infirmity in the said order. However, the learned counsel appearing for the petitioner/husband submitted that compromise talks are going on between the parties and this order may not affect the said compromise talks. It is made clear that this order will not affect the compromise to be arrived at between the parties.

5. With the above observation, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

13.02.2023

Index : Yes / No

Internet : Yes / No

Rmk

To

1.The Principal Subordinate Judge, Tiruchirappalli.

R.VIJAYAKUMAR ,J.,



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Rmk

Order made in
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