



WEB COPY



CRP.Nos.1331 and 1332 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2024

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THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN

CRP.Nos.1331 and 1332 of 2022

Payalkumar @ Sushmitha

...Petitioner in both the petitions

Vs

Kamalchand

..Respondent in both the petitions

Common Prayer:- Civil Revision Petition has been filed under Article 227 of the Constitution of India to set aside the fair and final orders made in IA.No.11 and 12 of 2022 in IA.No.4 of 2017 in HMOP.No.4 of 2017, dated 16.03.2022 passed by the Sub Court, Ulundurpet.

For Petitioner : Mr.B.Jawahar
(in both the petitions)

For Respondents : Mr.N.Manokaran
(in both the petitions)

COMMON ORDER

Challenge in these two revisions is to the orders passed by the



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Sub Court, Ulundurpet dismissing the two applications filed by the petitioner/wife seeking to reopen the case in IA.No.4 of 2017 an application for interim maintenance and to issue witness summons to various Government Officials.

2. In a pending divorce proceedings, the wife filed an application in I.A.No.4 of 2017 seeking interim maintenance at Rs.15,000/- per month. The husband is resisting the same contending that he is a man of no means and the claim that he has been doing business is wholly unfounded. The claims that the husband is running a School, owning vehicles and renting them out etc., were all denied.

3. The learned Trial Judge found that the applications are misconceived and in a maintenance claim it is for the wife to establish that the husband has got certain income in order to claim certain amount as maintenance.

4. According to the learned Trial Judge, wife cannot launch on a fishing expedition by summoning almost all the District level and Taluk level officials to lead evidence on the net-worth of her husband and on the said conclusion, the learned Trial Judge dismissed the applications.

Hence, these revisions.



5. Mr.B.Jawahar, learned counsel appearing for the petitioner would vehemently contend that unless these officials are summoned, the wife will not be in a position to establish the income of the husband.

6. I am unable to countenance the said contention of the learned counsel. It is open to the wife seeking maintenance to establish her claim that the husband is having income by producing documents, but she cannot launch upon on a fishing expedition by summoning all the Taluk and District level officials. The officials are not expected to know what is the income that is earned by the husband on a month on month basis. No doubt the revenue officials like Tahsildar do issue income certificates or solvency certificates wherever they are required under Government Rules to enable the individuals to either participate in tenders or to claim benefits of certain Government schemes, that by itself cannot be a factor to summon them to depose on the income of every citizen. As rightly held by the learned Trial judge, I see this is an attempt to delay the proceedings. I therefore do not find any illegality or irregularity in the orders of the Trial Court dismissing the applications. The revisions fail and are accordingly, dismissed. It is open to the petitioner to establish the



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income of the husband by any other means if she is so desires. If the petitioner seeks to issue summon to any other witness, this order will not stand in the way. No costs.

18.01.2024

Index : Yes/No
Internet : Yes/No
Speaking Order : Yes/No
pvs

To
1. The Sub Court, Ulundurpet
2. The Section Officer,
V.R.Section, High Court, Madras.



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R.SUBRAMANIAN, J.

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