



C.R.P.(PD).No.1000 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

CORAM:

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.1000 of 2023

and

C.M.P.No.7324 of 2023

S.Jagadeesan

... Petitioner

VS

Kamatchi

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order in I.A.No.1 of 2022 in H.M.O.P.No.158 of 2022 on the file of Subordinate Judge, Tiruvottiyur, Chennai.

For Petitioner : Mr.G.K.Sekar

For Respondent : Mr.R.Arunkumar



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ORDER

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This Civil Revision Petition arises against the order of the learned Subordinate Judge, Tiruvottiyur in I.A.No.1 of 2022 in H.M.O.P.No.158 of 2022, dated 02.01.2023.

2. The petition in H.M.O.P.No.158 of 2022 has been presented by the civil revision petitioner seeking for divorce under Sections 13(1)(ia) and 13(1)(ib) of the Hindu Marriage Act on the grounds of cruelty and desertion.

3. On being served with the summons, the respondent herein/wife moved an application in I.A.No.1 of 2022 pleading that the civil revision petitioner had treated her with cruelty and had deserted her as well as her minor child Vigneshwari compelling the respondent/wife to live with her parents. She would plead that the civil revision petitioner is working as a Security at SIS Security Center at Manali and is generating about Rs.32,000/- per month as salary. Hence, she prayed for Rs.20,000/- to be given as interim maintenance.



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WEB COPY 4. The civil revision petitioner, on being served with the petition, filed a counter admitting the marriage as well as the birth of a child, who is aged about 11 years. He would plead that his monthly salary is only 18,000/- rupees and his take home salary is only Rs.15,000/-. He would plead that he is taking care of his father, who is aged about 80 years as his mother had passed away long time ago.

5. On the basis of these pleadings, the learned Judge framed an issue 'whether the petition should be allowed or not'. During the course of the application for maintenance, neither the wife nor the husband let in any evidence.

6. Taking into consideration of the fact that the relationship is admitted and that from the wedlock, a child was born, who is aged about 12 years now, the learned Judge allowed an interim maintenance of Rs.7,000/- per month. Challenging the same, the present Civil Revision Petition is filed.



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7. Heard Mr.G.K.Sekar, learned counsel appearing for the petitioner and Mr.R.Arunkumar, learned counsel appearing for the respondent.

8. Mr.G.K.Sekar, would submit that the husband is earning only about Rs.18,000/- per month and he has to take care of his father, who is a cancer survivor. He would plead that the interim maintenance that has been fixed by the Trial Court is excessive and therefore, seeks for this revision to be allowed.

9. I have carefully considered the argument of Mr.G.K.Sekar.

10. Though a salary slip has been enclosed in the typed-set of papers filed in the revision, the husband never took any efforts to enter the witness box, when the matter was pending consideration before the Subordinate Court, Thiruvottiyur. Even if a favour is extended to take 18,000/- rupees as the salary of the petitioner, about 1/3rd has been fixed for the survival of the respondent and her child. This works out for paltry sum of Rs.200 per day. The learned Trial Judge has not committed any illegality or irregularity in



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fixing a sum of Rs.7,000/- as monthly maintenance. I have no other option than to confirm the order passed in I.A.No.1 of 2022 in H.M.O.P.No.158 of 2022, dated 02.01.2023 by the learned Subordinate Judge, Thiruvottiyur.

11. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, the connected civil miscellaneous petition is closed.

09.07.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

The Subordinate Judge,
Tiruvottiyur, Chennai.



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V.LAKSHMINARAYANAN, J.

dm

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