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C.R.P.No.2109 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.2109 of 2024 and
C.M.P.No.11236 of 2024

Kalaimani

... Petitioner

Vs.

Sathya

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and final order, dated 08.07.2019 made in I.A.No.1779 of 2018 in H.M.O.P.No.58 of 2018 on the file of the Subordinate Judge, Dharapuram.

For Petitioner : Mr.P.Saravana Sowmiyan

ORDER

The respondent estranged wife of the petitioner filed I.A.No.1779 of 2018 in H.M.O.P.No.58 of 2018 before the learned Subordinate Judge, Dharapuram seeking interim maintenance from her husband/petitioner. The learned Subordinate Judge, Dharapuram by impugned order, dated 08.07.2019 ordered monthly maintenance of Rs.2,000/- each to the respondent and minor daughter till the disposal of the main petition.



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Challenging the same, the petitioner/husband filed the present revision.

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2.The learned counsel for the petitioner submitted that the interim maintenance ordered by the lower Court is not maintainable for the reason that the respondent filed M.C.No.13 of 2014 before the learned Judicial Magistrate, Dharapuram in which the petitioner was ordered to pay Rs.4,000/- per month towards maintenance to the respondent and their minor daughter in C.M.P.No.4513 of 2017 in M.C.No.13 of 2014 on 16.12.2017. Till date, the petitioner duly paid the maintenance amount. He further submitted that the petitioner employed in Sub Collector Office at Dharapuram and his monthly salary is only Rs.19,848/-. After deduction, he is receiving only Rs.15,000/-. The petitioner is to take care of his late brother's family and his aged parents. The respondent is a Teacher employed in JRC Matriculation Higher Secondary School at Madathukulam and earning salary of Rs.15,000/- per month. By filing the interim maintenance petition, she caused harassment to the petitioner. Hence, he prays for setting aside the impugned order.

3.Considering the submissions and on perusal of the impugned order, it is seen that the respondent who is estranged wife of the petitioner was



deserted by the petitioner with five year old child. The respondent's parents are daily wagers and the respondent is not employed. On the other hand, the petitioner owns two houses in Thalavaipattinam J.J.Nagar and he is getting rental income. Added to it, the petitioner is also employed as Office Assistant in Sub Collector Office, Dharapuram on the monthly salary of Rs.30,000/-. His father is a retired Village Administrative Officer who is also receiving pension. Despite having sufficient source of income, the petitioner failed to maintain the respondent as well as their minor daughter. Hence, the respondent sought interim maintenance for herself and for minor daughter of Rs.5,000/- each in total Rs.10,000/-. Considering the petitioner's contention and the order passed in C.M.P.No.4513 of 2017 in M.C.No.13 of 2014 ordering interim maintenance of Rs.2,000/- each to the respondent and minor daughter, the learned Subordinate Judge directed the petitioner to pay Rs.2,000/- each to the respondent and minor daughter in total Rs.4,000/- as interim maintenance *vide* impugned order, dated 08.07.2019.

4.In view of the above, this Court finds that the impugned order, dated 08.07.2019 in I.A.No.1779 of 2018 in H.M.O.P.No.58 of 2018 passed by the learned Subordinate Judge, Dharapuram is in order which needs no



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interference of this Court. Accordingly, this civil revision petition stands dismissed. No costs.

20.06.2024

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

Index : Yes/No

Internet : Yes

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To

The Subordinate Judge,
Dharapuram.



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M.NIRMAL KUMAR, J.

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