



C.R.P.(PD).No. 3160 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.08.2024

CORAM

THE HONOURABLE Mr. JUSTICE

V.LAKSHMINARAYANAN

C.R.P.(PD).No. 3160 of 2024

Mohanraj

...Petitioner

Vs.

Ramya

...Respondent

Prayer: Civil Revision Petition is filed under Section 227 of the Constitution of India to set aside the order and decretal order dated 27.03.2023 passed in I.A.No.1 of 2022 in H.M.O.P.No.72 of 2022 on the file of the learned Subordinate Judge, Tiruchengode.

For Petitioner : Ms. V.Jayavigneshwari



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ORDER

The Civil Revision Petition has been filed by the husband challenging the order passed in I.A.No.1 of 2022 in H.M.O.P.No.72 of 2022 dated 27.03.2022.

2. H.M.O.P.No.72 of 2022 is presented by the husband seeking divorce invoking the provisions of Section 13 (1) (i - a) of the Hindu Marriage Act. There is no dispute in the relationship between the parties. The petitioner and the respondent entered into matrimonial life on 27.11.2020. Thereafter, due to dispute and differences, the husband and wife separated. It is the plea of the husband that the respondent / wife demanded the husband to separate from his family and also sought for a partition of the assets of joint family. The petitioner / husband was not willing to yield to this demand, which he considered as unreasonable. On this and other allegations he



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presented H.M.O.P.No.72 of 2022.

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3. On being served with the summons from the learned Subordinate Judge, Tiruchengode, the respondent / wife filed an application seeking interim maintenance invoking the provision of Section 24 of the Hindu Marriage Act. She requested an order from the Court directing the husband to pay a sum of Rs.50,000/- per month and Rs.50,000/- towards litigation expenses. The learned Trial Judge, after the receipt of a counter from the petitioner / husband, ordered the husband to pay a sum of Rs.9,000/- per month, against which the present Civil Revision Petition has been filed.

4. It is the case of the respondent / wife that the husband is having a weaving unit and also owns 5 acres of land. It is pertinent to point out that both the husband as well as the wife did not file an affidavit of assets and liabilities.



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5. Heard Ms. V.Jayavigneshwari, learned counsel for the petitioner / husband. The learned counsel would submit that the husband is unemployed, whereas, the wife is capable of earning an income, and that the fixation of Rs.9,000/- for monthly expenses per month is contrary to the records and without any valid reasons.

6. The learned counsel would submit that it is the case of the petitioner / husband that the wife had voluntarily deserted the husband, and therefore the petitioner / husband was constrained to file the divorce petition. The learned counsel would further add that the amount of Rs.9,000/- is exorbitant and therefore requires the interference of this Court.

7. I have carefully heard the arguments of the learned counsel and perused the records.



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8. At the outset, I should point out that the scope of this Court against an interim order of maintenance is very limited. This Court can interfere with the order when the amount that has been fixed is exorbitant, arbitrary or capricious. A sum of Rs.9,000/- when converted works out to a sum of Rs.300/- per day. With this amount the wife cannot live a life of luxury but it would only give her access to basic necessities.

9. The husband did not file an affidavit of assets and liabilities as directed by the Supreme Court in matrimonial matters. The wife contended that the husband has a weaving unit as well as 5 acres of land and has demanded a sum of Rs.50,000/- per month from the husband. However, the Trial Judge, taking into consideration the status of the parties, as fixed a sum of Rs.9,000/- per month towards interim maintenance.

10. The order does not exhibit non-application of mind on the



part of the learned Subordinate Judge, Tiruchengode. The learned Judge has considered all the aspects and passed a reasonable order. I do not find any reason to take a different view from that taken by the learned Subordinate Judge, Tiruchengode.

11. At this stage, the learned counsel submitted that if the matter is referred to mediation, there is a possibility of settlement. The issue being a matrimonial dispute, the learned Subordinate Judge, Tiruchengode, is requested to find out whether there is any possibility of settlement. In case the possibility exists, the learned Subordinate Judge, Tiruchengode, may refer the parties to the Mediation Center attached to the Court in Tiruchengode. The Mediation Centre may appoint a senior Mediator who is well-versed in Civil Law as well as family disputes, for the purpose of settling the issue.

12. Accordingly, the Civil Revision Petition is dismissed. No



costs.

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Index : Yes/No
Internet : Yes/No
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To

The Subordinate Judge,
Tiruchengode.



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V.LAKSHMINARAYANAN, J.

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