



C.R.P. Nos. 4156 and 3906 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 17.10.2024

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THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

C.R.P. Nos. 4156 and 3906 of 2024

and

C.M.P. No. 22749 of 2024

In both C.R.Ps.:

Kannakumar

... Respondent / Respondent / Petitioner

Vs.

Nivetha

... Petitioner / Petitioner / Respondent

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 30.04.2024 passed in I.A. Nos. 1 and 2 of 2024 in H.M.O.P. No. 142 of 2023 on the file of the Subordinate Judge, Dharapuram.

For Petitioner : Mr. P.Parthi Kannan
(in both C.R.Ps.)



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COMMON ORDER

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These two civil revision petitions are at the instance of the husband. H.M.O.P. No. 142 of 2023 is a proceeding that has been initiated by the respondent seeking for divorce on the grounds of cruelty and desertion. Pending the said proceedings, the wife took out an application in I.A. No. 1 of 2024 seeking for interim maintenance of Rs.30,000/- per month and litigation expense of Rs.10,000/-. Soon thereafter, the husband took out an application for visitation rights and the said application was numbered as I.A. No. 2 of 2024. The learned Subordinate Judge at Dharapuram allowed both the applications on 30.04.2024. Hence, these civil revision petitions.

2. Mr. P.Parthi Kannan submits, the learned Trial Judge has fixed a sum of Rs.9,000/- per month as maintenance for the wife and that the husband is not in a position to make this payment, as he is not earning substantial amounts to pay maintenance at the rate fixed by the Trial Court. In addition, he argues that the husband has been permitted to see the child only on 1st and 3rd Sundays of every month, whereas he sought for visitation week on week. Hence, he pleads that the order of the Trial Court should be revised.



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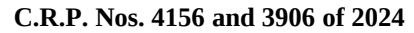
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3. Heard Mr. P.Parthi Kannan for the civil revision petitioner.

4. There is no dispute in the relationship between the parties. The civil revision petitioner married the respondent on 19.10.2018. From the wedlock, a male child, who is now aged about 5 years, was born on 03.08.2019. On 10.12.2021, the parties separated. While the wife pleads that was on account of the acts of cruelty and desertion by the husband, the husband had denied the said allegation and is resisting the divorce petition.

5. It is the plea of the wife that the husband is generating income from poultry business, agricultural activities as well as from the EICHER van that he owns. Though she pleaded that the husband is making about 3 lakhs a month, she has not let in any evidence to substantiate the same.

6. The learned Trial Judge, on the basis of the available evidence and taking into consideration that the child is now studying in a school, has ordered Rs.9,000/- per month. He has not granted the amount of Rs.30,000/- per month that was sought for by the respondent. Obviously, when it comes to matters of interim maintenance, the Court takes into consideration the status of the parties, as well as the cost of living that prevails in the area. The



7. Furthermore, insofar as C.R.P. No. 4156 of 2024, the learned Judge has granted the relief that has been sought for by the civil revision petitioner permitting visitation on 1st and 3rd Sunday at the Taluk Legal Services Committee premises or at such places as would be convenient for both the parties. Therefore, it is not essential that the child must brought only to the Court for the purpose of visitation. The time that has been fixed by the Court below is between 11.00 am to 4.00 pm on the aforesaid Sundays, that too, cannot be said to be unreasonable.

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visitation right that has been given for a period of 5 hours on every 1st and 3rd

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Sundays. Hence, both the civil revision petitions are dismissed. No costs.

Consequently, the connected miscellaneous petitions are closed.

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Index : Yes / No

Speaking order : Yes / No

NCC : Yes / No

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To

The Subordinate Judge, Dharapuram.



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V.LAKSHMINARAYANAN, J.,

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