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C.R.P. No.3339 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2024

CORAM

THE HONOURABLE Mr. JUSTICE P.DHANABAL

CRP.No.3339 of 2022
and C.M.P. No.17716 of 2022

K.P. Arun Kumar S/o. K. Palanisamy

...Petitioner / Respondent
/ Petitioner

Vs.

K. Kavitha W/o. K.P. Arun Kumar

..... Respondent /
Petitioner / Respondent.

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the order dated 23.08.2022 made in I.A. No.1 of 2021 in H.M.O.P. No.176 of 2020 on the file of the II Additional Subordinate Court, Coimbatore.

For Petitioner : Mr.M. Sriram

For Respondent : Mr.S. Kumaresan

ORDER

The Civil Revision Petition has been preferred as against the order passed in I.A. No.1 of 2021 in H.M.O.P. No.176 of 2020 on the file of the II Additional Subordinate Court, Coimbatore, seeking maintenance under Section 24 of Hindu Marriage Act. The Trial Court awarded a sum of



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Rs.30,000/- to the respondent and her daughter. Aggrieved by the said order, the present civil revision petition is filed.

2. The petitioner is the respondent in the interlocutory application filed for interim maintenance and he is the petitioner in the main petition and he filed the main petition for granting divorce. While pending main petition, the respondent herein filed an application seeking Rs.1 lakh as interim maintenance.

3. The marriage between the petitioner and the respondent was solemnized on 08.09.2023 as per the Hindu rites and customs. After marriage, a female child was born to them and now she is under the custody of the respondent. The respondent filed a petition alleging that she is unable to maintain herself and the child and the petitioner is earning Rs.1 crore per month. Therefore, she sought for awarding interim maintenance.

4. The petitioner herein filed a counter before the Trial Court stating that he denied the income as mentioned in the petition. He is depending upon the income of his father and his father has constructed residential house to the Mill workers in his property. Apart from that, no properties are available in



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the name of the petitioner.

5. Before the Trial Court, no oral or documentary evidence adduced on either side. The Trial Court, after hearing both sides, awarded a sum of Rs.30,000/- towards interim maintenance to the respondent and her child.

6. The learned counsel appearing for the petitioner would contend that the Trial Court awarded a sum of Rs.30,000/- towards maintenance to the respondent and her child. The petitioner has no employment and he is not earning any money. Therefore, the award passed by the Trial Court is too high. However, this Court directed to deposit 50% amount and to continue to pay Rs.15,000/- per month and he has complied with the order of this Court. Therefore, he is ready to pay Rs.15,000/- per month.

7. The learned counsel appearing for the respondent would contend that the petitioner is having source to pay the maintenance amount and he is earning more than Rs.1 crore per month. However, the Trial Court only awarded a meagre amount of Rs.30,000/- per month payable to the respondent and her daughter and also after the order passed by this Court, the petitioner deposited 50% and also paid Rs.15,000/- per month as per the direction of this Court.



8. Heard both sides'. Perused all the materials available on record.

9. In this case, there is no dispute in respect of the relationship between the parties and the marriage and child born to them and now the respondent and her minor child are residing separately. Before the Trial Court, no oral or documentary evidences adduced. Though the respondent wife pleaded that the petitioner husband is earning Rs.1 crore per month, no evidence produced to prove the same. The petitioner averred that he is depending upon the income of his father. The Trial Court has awarded a sum of Rs.30,000/- towards interim maintenance to the respondent and her child without any proof to prove the income of the petitioner. However, during arguments, the petitioner stated that he is ready to pay a sum of Rs.15,000/- per month. Considering the nature of the petition, considering the cost of living and status of the parties, it is appropriate to award a sum of Rs.20,000/- to the respondent wife and her child towards interim maintenance. Therefore, the order passed by the Trial Court is liable to be modified to that extent.

10. In view of the above said reasons, the order passed by the Trial Court is modified and the petitioner husband is directed to pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the respondent wife per



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month towards interim maintenance. In other aspects, the order of the Trial Court is intact.

11. With the above said modifications, this Civil Revision Petition is disposed of. No costs. Consequently, the connected civil miscellaneous petition is closed.

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Index : Yes/No
Speaking order/non-speaking order
mjs

To

The II Additional Subordinate Court, Coimbatore.



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P.DHANABAL, J.,

mjs

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