



C.R.P.(PD).No.4257 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).No.4257 of 2019
and CMP.Nos.27797 of 2019

K.Kuppusamy

... Petitioner

vs.

Moganambal

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order made in I.A.No.375 of 2018 in HMOP.No.69 of 2017 vide order dated 18.01.2019 on the file of the Subordinate Judge, Kangayam.

For Petitioner : Mr.M.Kamaraj

For Respondent : Not ready in notice

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court directing the petitioner to pay interim maintenance at the rate of Rs.3,000/- per month to the minor daughter viz., Poorva Sri.



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2. The petitioner herein filed HMOP.No.69 of 2017 on the file of Subordinate Court, Dharapuram, seeking dissolution of the marriage that had taken place between the petitioner and the respondent on 26.02.2012. The petitioner sought for dissolution of marriage on the ground of desertion and cruelty.

3. Pending divorce petition, the respondent/wife filed an application seeking interim maintenance at the rate of Rs.8,000/- (each) for her and the minor daughter. In the affidavit filed in support of interim application, it was stated by the respondent that the petitioner ignored her and her minor daughter aged four years and failed to maintain them. It was also stated that the petitioner was earning Rs.30,000/- per month and hence a direction may be issued to pay interim maintenance at the rate of Rs.8,000/- per month to the respondent and the minor daughter.

4. The petitioner herein filed counter, wherein, he admitted that he had employed in a Banian Company earning Rs.15,000/- per month.



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The trial Court observed the issues raised by the parties can be decided only

at the time of final disposal of original petition. Now, taking into

consideration the balance of inconvenience, the trial Court has directed the

petitioner to pay a sum of Rs.3,000/- (each) per month to the respondent as

well as minor daughter as interim maintenance. The Court can also take

judicial notice of the cost of living at present. Hence a sum of Rs.3,000/- per

month is not excessive amount for maintenance of a person.

5. In view of the statement made by the petitioner in his counter affidavit that he is employed in Banian Company and earning Rs.15,000/- per month, the interim maintenance ordered by the Court below is not excessive and it requires no interference.

6. Accordingly, the Civil Revision Petition stands dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

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S.SOUNTHAR, J.

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To

The Subordinate Judge,
Kangeyam.

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