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C.R.P. No. 3589 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2024

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THE HONOURABLE MR. JUSTICE P.DHANABAL

C.R.P. No. 3589 of 2022
and
C.M.P. No. 19048 of 2022

S.Saranya

... Petitioner

Vs.

P.Balachandrasekar

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, 1950, to modify the fair and final order dated 12.08.2022 passed in I.A. No. 1 of 2022 in H.M.O.P. No. 90 of 2020 on the file of the Subordinate Judge, Rasipuram and enhance the interim maintenance and litigation expenses.

For Petitioner : M/s. J.Prithivi

For Respondent : M/s. R.Nalliyappan

ORDER

This Civil Revision Petition has been preferred as against the order dated 12.08.2022 in I.A. No. 1 of 2022 in H.M.O.P. No. 90 of 2020 on the file of the Subordinate Judge, Rasipuram, wherein the petitioner has filed an



application for interim maintenance before the Trial Court and the Trial Court only awarded a sum of Rs. 5,000/- towards maintenance from the date of petition to till the date of disposal of the main H.M.O.P. Aggrieved by the said order, the present Civil Revision Petition is filed.

2. The petitioner is the wife of the respondent. The respondent/husband has filed petition in H.M.O.P. No. 90 of 2020 before the Trial Court for seeking divorce and the same is pending. While pending the main petition, the petitioner/wife has filed an application for interim maintenance claiming Rs. 50,000/- per month. According to the petitioner, she is the wife of the respondent and their marriage was solemnized on 06.03.2016 and no child was born to them. The respondent herein has filed petition for divorce on false allegations and he is earning Rs.2,00,000/- per month and he neglected and failed to maintain the petitioner and thereby, she filed the petition for interim maintenance. The Trial Court, without considering the status of the parties, only awarded a meagre amount of Rs. 5,000/-. Therefore, the order is under challenge.

3. The learned counsel appearing for the petitioner would contend that the respondent neglected and failed to maintain the petitioner. The petitioner



is unable to maintain herself and she is an unemployed. Therefore, she filed the petition before the Trial Court for interim maintenance. The respondent is capable to pay a sum of Rs. 50,000/- per month. But the Trial Court only awarded a sum of Rs. 5,000/- per month towards maintenance. Therefore, the award passed by the Trial Court is liable to be enhanced.

4. The learned counsel appearing for the respondent would contend that though he is earning Rs. 1,44,303/-, after deduction his take home salary is only Rs. 68,535/- and he is maintaining his parents and he has to spend Rs. 65,300/- per month. The Trial Court, after considering the arguments of both sides, awarded a reasonable amount of Rs. 5,000/-. Therefore, the award passed by the Trial Court is in order and the present Civil Revision Petition is liable to be dismissed.

5. This Court heard both sides and perused the materials available on record.

6. It is an admitted fact that both the parties are husband and wife and the respondent/husband is earning a sum of Rs. 1,44,303/- per month. To that effect, they also produced the salary certificate. But the Trial Court awarded



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only a sum of Rs. 5,000/- to the petitioner. Considering the status of the parties, the amount awarded by the Trial Court is too meagre. Therefore, it is appropriate to enhance the amount of interim maintenance from Rs. 5,000/- to Rs. 10,000/-. Therefore, this Court is enhanced the interim maintenance amount from Rs. 5,000/- to Rs. 10,000/- per month and in other aspect, the Trial Court order is intact.

7. With the above said modification, this Civil Revision Petition is partly allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

29.07.2024

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No
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To

The Subordinate Judge, Rasipuram.



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P.DHANABAL, J.,

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