



CRP No.5083 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 27.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRP No.5083 of 2023
and CMP.No.29550 of 2023

R.Sanjeev Kumar

... Petitioner

Vs.

1. S.Jeyaprabha
2. Sadhana (minor)

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India against the fair and final order dated 10.07.2023 passed in IA.No.1 of 2022 in HMOP.No.179 of 2022 on the file of the learned II Additional Subordinate Court, Coimbatore.

For Petitioner : Mr.M.Vijaya Ragavan

For Respondents : Mr.L.Ramanathan, for R1



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ORDER

This petition has been filed to set aside the fair and final order dated 10.07.2023 passed in IA.No.1 of 2022 in HMOP.No.179 of 2022 on the file of the learned II Additional Subordinate Court, Coimbatore.

2. The petitioner and the first respondent are husband and wife. The petitioner herein filed HMOP.No.179 of 2022 for divorce on the file of the learned II Additional Subordinate Court, Coimbatore, in which, the first respondent filed IA.No.1 of 2022 seeking interim maintenance of Rs.50,000/- to the first respondent and Rs.25,000/- to the second respondent per month. The learned Judge awarded Rs.6,000/- as maintenance to the respondents. Challenging the same, the present Civil Revision Petition has been filed.

3. The learned counsel for the petitioner pointed out that the petitioner is working as an acting driver and he has no regular income. He further submitted that the assets and liabilities have not been filed by the parties before the Court below, however, the Trial Court arrived the quantum. Therefore, he seeks to set aside the interim maintenance awarded by the Trial Court.



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4. The learned counsel appearing for the respondent/wife submitted that the petitioner is running a saloon in the name and style of "Sai Saloon" and earning Rs.1,00,000/- per month. He further submitted that since the interim maintenance awarded by the Trial Court is very meagre for 2 persons, the same may be enhanced.

5. It is not in dispute that the parties are husband and wife. It is admitted by the parties that they are living separately and divorce proceedings are pending in HMOP.No.179 of 2022, in which, the first respondent has filed maintenance petition in IA.No.1 of 2022. The trial Court awarded Rs.6,000/- as interim maintenance. It is to be noted that the first respondent failed to file assets and liabilities before the Court below. In these circumstances, this Court is of the view that the amount awarded by the Trial Court is just and fair, which needs no interference of this Court. Accordingly, this petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Internet:Yes/No
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The Rent Court (Principal District Munsif),
Cuddalore



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V.SIVAGNANAM, J.

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