



C.R.P.PD(MD)No.511 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

C.R.P.PD(MD)No.511 of 2020
& C.M.P.(MD).No.3321 of 2020

J.Subramanian @ KJS.Manian

... Petitioner

Vs.

Suganthi

.. Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India challenging the order passed in I.A.No.2 of 2019 in H.M.O.P.No.39 of 2019 dated 23.01.2020 on the file of the Sub Court, Lalgudi.

For Petitioner : Ms.R.Yamuna

For Respondent : Mr.K.Veilmuthu

ORDER

This Civil Revision Petition is directed against the order passed in I.A.No.2 of 2019 in H.M.O.P.No.39 of 2019 awarding maintenance of Rs. 10,000/- to the respondent and Rs.5,000/- in favour of the daughter of the petitioner.



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2. Learned counsel for the petitioner mainly contended that the respondent is working as a Government employee and drawing more than Rs.40,000/- salary per month. This Court after hearing the learned counsel for the petitioner on 13.02.2022 directed the respondent to file an affidavit stating as to whether she is working as a Government employee or not.

3. Learned counsel for the respondent on instructions today submitted that the respondent is working as Government servant. In view of the same, the respondent herein is not entitled to any maintenance amount from the petitioner. In so far as awarding of maintenance of Rs.5,000/- in favour of the daughter of the parties herein is concerned, there is no dispute about the entitlement of the daughter to claim maintenance from the petitioner herein.

4. Taking into consideration the said fact, this Court required the learned counsel for the petitioner to ascertain from the petitioner about his willingness to pay more maintenance than the amount awarded by the learned Lower Court.



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5. Learned counsel for the petitioner, on instructions from the petitioner submitted that the petitioner is ready and willing to pay Rs.10,000/- towards maintenance of the daughter for the present. In the circumstances, with the consent of the parties, the Civil Revision Petition is disposed of duly setting aside the maintenance awarded in favour of the respondent and by enhancing the maintenance of the daughter of the parties herein to Rs.10,000/- from Rs.5,000/- by exercising powers under Article 227 of the Constitution of India. Accordingly, the petitioner is hereby directed to pay the amount of Rs.10,000/- towards maintenance from the date of filing I.A.No.2 of 2019 to the respondent by duly adjusting the amount already paid and the respondent is directed to furnish the bank account details for depositing the amounts payable under this order to the daughter of the parties within a period of one week from today. The arrears if any shall be cleared by the petitioner within a period of one month and continue to pay the monthly maintenance regularly thereon. The amount of maintenance if any already paid in favour of the Respondent herein shall remain unaffected by this order.



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In case if the maintenance awarded under this order is felt insufficient for the daughter of the parties herein in future, it is open for the respondent to file appropriate application in the pending H.M.O.P. or otherwise. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

21.02.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

The Principal Sub Judge, Dindigul.



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MUMMINENI SUDHEER KUMAR, J.

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