



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 31.07.2024

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**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

C.R.P(MD)No.1708 of 2024

and

C.M.P(MD).No.9943 of 2024

Saravanan

... Petitioner

Vs.

S.Mallika

...Respondent

Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records in I.A.No.1 of 2023 in H.M.C.M.A.No.17 of 2021 on the file of IV Additional District Court, Tirunelveli and set aside the order dated 30.11.2023.

For Petitioner

:Mr.R.J.Karthick

ORDER

This civil revision petition is challenging the order made in I.A.No.1 of 2023 in H.M.C.M.A.No.17 of 2021 dated 30.11.2023 on the file of IV Additional District Court, Tirunelveli.



2. By the said order, interim maintenance of Rs.7000/- is ordered to be paid by the petitioner towards the maintenance of his minor child namely Ramya Sri. Aggrieved by the said order, the the civil revision petition is filed. The learned counsel appearing on behalf of the petitioner would submit that the petitioner though was working in a private company at the time of filing of the petition, he is not now regularly employed and is only doing some sporadic works and therefore, when the wife is yearning a sum of Rs.60,000/-, the trial Court has fastened the entire liability of maintaining the child only on the petitioner. The trial Court did not consider the fact that as a parent, the wife is also duty bound to maintain the child and as such, ought not to have mulcted the entire liability of Rs.7000/- as against the petitioner himself and ought to have apportioned the same by 50% to the wife and 50% to the husband.

3. I have considered the said submission made by the learned counsel for the petitioner and perused the material records of the case.

4. The trial Court has taken into consideration that the wife is working and after considering the entire expenses and the needs of the child, by way of an interim maintenance has ordered a sum of Rs.7000/-. The said sum cannot be said as exorbitant or on the higher side. The contention of the



petitioner is that he doesn't have a regular work. A perusal of the main HMOP filed by him he himself has averred that he qualified M.Sc(chemistry) and he is working in a private company. The learned counsel even though states that subsequently he is not in the said employment, the same should have been properly pleaded and proved before the trial Court with reference to the relieving from the said company and what is the salary with hitherto he was receiving etc. Since the said facts were not pleaded and proved before the trial Court, the contention of the learned counsel for the petitioner cannot be countenanced.

5. In any event, even the petitioner is unemployed, it cannot be said that he cannot pay a sum of Rs.7000/- also. Considering the fact that very barest minimum of Rs.7000/- is only ordered as maintenance, I am unable to interfere in the matter. Accordingly, finding no merits, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

31.07.2024

NCC:Yes/No
Index:Yes/No
Rmk
To

IV Additional District Court, Tirunelveli.



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D.BHARATHA CHAKRAVARTHY, J.

Rmk

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