



C.R.P(MD)No.1569 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 16.07.2024

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P(MD)No.1569 of 2024

and

C.M.P(MD).No.9286 of 2024

Muthuraj

... Petitioner

Vs.

1.Prathiba

2.Saratha

3.Manju

4.Ramya

(no relief sought against R2 to R4
notice may be dispensed with)

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 05.06.2024 made in I.A.No. 557 of 2024 in D.V.C.No.5 of 2024 on the file of the Judicial Magistrate Court, Tenkasi.

For Petitioner

: Mr.P.Banuprasath

ORDER

The civil revision petition is directed against the order dated 05.06.2024 made in I.A.No.557 of 2024 in D.V.C.No.5 of 2024 on the file of the Judicial Magistrate Court, Tenkasi.



C.R.P(MD)No.1569 of 2024

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2. In the said Interlocutory Application, the respondent/ wife had prayed for interim maintenance. The trial Court, after considering the case of the parties, had awarded a sum of Rs.7000/- per month as interim maintenance, as against which, the Civil Revision petition is filed.

3. Mr.P.Banuprasath, the learned counsel appearing on behalf of the petitioner would submit that the trial Court did not even grant proper opportunity to the petitioner to file a counter affidavit. The respondent/ wife has not submitted any proof as to the quantum of salary. The case of the petitioner herein is that because of the FIR being lodged against him, he has lost his employment itself. In view thereof, when the petitioner himself is without any employment, he cannot be directed to pay the interim maintenance of Rs. 7000/-.

4. I have considered the submissions made by the learned counsel for the petitioner and perused the materials record of the case.

5. Even though in an application for interim maintenance, what is expected of the petitioner /husband is to plead before the trial Court as to where



C.R.P(MD)No.1569 of 2024

he is employed and how much he is receiving salary. The wife has alleged that he being a diploma holder was employed in a private company i.e., a logistics company and was earning a sum of Rs.75,000/-. If the petitioner pleads that subsequently he has lost the job, the minimum expected of him is to produce the original salary certificate as to the quantum of salary he was drawing in the said private company and the relieving order or the termination order if any from the said company. He has not chosen to do the same. Even before this Court except to make vague averments, nothing categorically mentioned either in the grounds of revision or in the affidavit filed in support of the stay application. No document whatsoever is produced that he is non-employed. In any event, it is seen that the barest minimum amount of Rs.7000/- is only ordered, even if he is unemployed, it cannot be said that such a sum is on the higher side. In view thereof, finding no merits, the Civil Revision Petition stands dismissed. No cost. Consequently, connected Miscellaneous Petition is closed.

16.07.2024

NCC:Yes/No

Index:Yes/No

Rmk

To

The Judicial Magistrate, Tenkasi.

D.BHARATHA CHAKRAVARTHY, J.



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C.R.P(MD)No.1569 of 2024

Rmk

C.R.P(MD)No.1569 of 2024

16.07.2024