



C.R.P(MD)No.2390 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.11.2024**

CORAM

**THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.2390 of 2022
and
C.M.P(MD)No.11561 of 2022

M.Ganesan

... Petitioner

Vs.

P.Ganapathiammal

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 10.10.2022 made in I.A.No.01 of 2022 in H.M.O.P.No.15 of 2022 on the file of the learned Sub Court, Sattur, Virudhunagar District and to pass such further or other orders as this Court.

For Petitioner : Mr.S.Ramasamy

For Respondent : Mr.P.Rajesh Kannan



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ORDER

This Civil Revision Petition is filed challenging the order, dated 10.10.2022 made in I.A.No.01 of 2022 in H.M.O.P.No.15 of 2022 on the file of the Sub Court, Sattur, Virudhunagar District.

2. The respondent / wife filed the H.M.O.P.No.15 of 2022 before the Sub Court, Sattur, Virudhunagar District, in which she filed I.A.No. 01 of 2022 to direct the petitioner to pay a sum of Rs.10,000/- per month towards interim maintenance and legal expenses of Rs.10,000/- pending disposal of the O.P.

3. In the said application, the respondent / wife contended that she had no independent regular source of income and that she is suffering from health issues. In the above application, she has stated that the petitioner husband is earning a sum of Rs.15,000/- by working as a Driver and also having a sum of Rs.20,000/- as agricultural income.



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4. The counter affidavit was filed by the petitioner opposing application for interim maintenance stating that the respondent / wife is a practising Advocate and earning a sum of Rs.35,000/- per month.

5. By an order, dated 10.10.2022, the learned Sub Judge, Sattur awarded interim maintenance of Rs.5,000/- per month and legal expenses of Rs.5,000/-. Assailing the same, this revision is filed.

6. I have noted the contention of the revision petitioner and the submissions made by the learned Counsel appearing for the revision petitioner and perused the materials available on record.

7. From the facts narrated above, it is clear that the respondent had filed H.M.O.P.No.15 of 2022 before the Sub Court, Sattur. The petitioner has not been able to show that the respondent is earning a sum of Rs.35,000/- per month by practising as an Advocate. The Courts below had only granted Rs.5,000/- per month as interim maintenance and Rs.5,000/- towards legal expenses. These amounts cannot be said to be



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exorbitant keeping in view the status of the parties.

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8. I therefore, do not find any error of jurisdiction in the order passed by the Trial Court warranting interference by this Court under Article 227 of the Constitution of India. Accordingly, this Civil Revision Petition fails and it is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

21.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

The Sub Court, Sattur,
Virudhunagar District.



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K.GOVINDARAJAN THILAKAVADI, J.

BTR

Order made in
C.R.P(MD)No.2390 of 2022

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