



C.R.P(MD)No.2731 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.12.2024**

CORAM

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

C.R.P(MD)No.2731 of 2024
and
C.M.P(MD)No.15555 of 2024

K.Purusothaman

... Petitioner

Vs.

P.Divya

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order made in I.A.No.3 of 2023 in H.M.O.P.No.168 of 2022 on the file of the Family Court, Thanjavur, dated 08.09.2023 and allow this Civil Revision Petition and pass such other or further orders as this Court.

For Petitioner : M/s.S.Santhi Banu

For Respondent : M/s.A.Zubaiha Banu



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ORDER

This Civil Revision Petition is preferred as against the order passed in I.A.No.3 of 2023 in H.M.O.P.No.68 of 2022 on the file of the Family Court, Thanjavur, dated 08.09.2023. The said H.M.O.P was filed by the respondent / wife for divorce. Pending O.P, respondent / wife filed an application in I.A.No.3 of 2023 for interim maintenance in which the Family Court, Thanjavur directed the revision petitioner to pay a sum of Rs.35,000/- per month as interim maintenance and a sum of Rs.25,000/- as litigation expenses. Aggrieved by this, the present revision is preferred by the husband.

2. The learned Counsel appearing for the revision petitioner would submit that the respondent / wife along with the minor child left the matrimonial home on her own accord. A complaint was preferred by her before the All Women Police Station against the revision petitioner. It is submitted that the petitioner is taking care of his aged parents, his widow sister and her children and that he has to meet out the medical expenses



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for his mother. The petitioner is earning only a sum of Rs.71,000/- per month and therefore, he finds it difficult to pay a sum of Rs.35,000/- to the respondent / wife as monthly maintenance. It is submitted that the respondent is highly qualified and prior to the marriage, she was working and drawing a handsome salary. Hence, the order passed by the Trial Court requires consideration by this Court.

3. On the other hand, the learned Counsel appearing for the respondent / wife would submit that since the wife was subject to harassment and ill-treatment, she was forced to file an application for divorce on the ground of cruelty; that the petitioner is working as a Regional Manager in a Private Limited Company and earning approximately a sum of Rs.1,00,000/- per month, whereas, the respondent / wife is unemployed and unable to maintain herself. The Trial Court considering the above facts and circumstances of the case, rightly ordered a sum of Rs.35,000/- to be paid as maintenance which calls for no interference.



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4. Heard the learned Counsel for the petitioner and the learned Counsel for the respondent and perused the materials available on record.

5. It is not in dispute that the revision petitioner / husband is working in a private sector and earning not less than Rs.70,000/- per month. It is not in dispute that the respondent / wife is unemployed and under the custody of her parents and the custody of the minor child is with the respondent / wife. However, considering the facts and circumstances of the case that the revision petitioner is under the obligation to take care of his aged parents and widow sister and her children and this Court thinks it fit to direct the petitioner / husband to pay a sum of Rs.25,000/- as monthly maintenance to the respondent / wife.

6. In the result, the revision petitioner is directed to pay a sum of Rs.25,000/- per month from the date of petition till the disposal of the H.M.O.P on or before 10th day of every English calendar months and the first installment will start from 10.01.2025 and pay a sum of Rs.25,000/-



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for litigation expenses. The arrears amount shall be paid at the rate of Rs.25,000/- within a period of two months in two installments.

7. Accordingly, this Civil Revision Petition stands disposed of in the above said terms. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

06.12.2024

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

To

The Family Court,
Thanjavur.



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K.GOVINDARAJAN THILAKAVADI, J.

BTR

Order made in
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