

**IN THE COURT OF SUBORDINATE JUDGE,
MADURANTAKAM.**

**Present: Mr. T. GANESH, B.A., B.L.,
Subordinate Judge,
Madurantakam.**

Monday, this 18th day of November 2024

I.A.No. 1/2023

in

HMOP.No. 97/2019

(CNR.No.TNCG13-000950-2019)

Mrs. Janagi

...Petitioner/ Respondent

..Vs..

Mr.Rajivgandhi

...Respondent/Petitioner

This petition coming up for final hearing on 07.11.2024 in the presence of Mr.M.Jayaprakash Narayanan, Mr.S.Saritha, counsels for petitioner, Mr.K.Jaisankar, counsel for respondent, and having heard the arguments on both sides and having perused the records, having stood over for the consideration of this court till date, this court delivered the following;

ORDER

This petition is filed by the petitioner under section 24 of Hindu Marriage Act, directing the respondent to pay a sum of Rs.15,000.00 as interim maintenance, as sum of Rs. 20,000.00 towards food, clothes and medical expenses and totally a sum of Rs.35,000.00.

I.A.No. 1/2023 in HMOP.No. 97/2019, AFT, dated 18.11.2024, Sub Judge, Madurantakam

2. Petition in brief:

Both got married on 21.11.2016 at Sri Murugan Temple, Acharapakkam as per Hindu rites and customs. After marriage both hold matrimonial home for a month at the respondent's sister's house at Acharapakkam. Respondent who went out for his task, didn't return to hold and filed the main petition by throwing false allegations against the petitioner.

As a husband, the respondent didn't maintain the petitioner and that the petitioner leads a sorrowful life even for his daily needs. Respondent earned a sum of Rs. 30,000.00 per month from his centering works and also, he owned a house in the village which worth about Rs. 5,00,000.00. Petitioner was not provided with medical expenses.

Respondent put forth false allegations and filed the main petition for divorce. Petitioner was now living with her old aged parents, who had no income of their own. Petitioner also had no job and lead a poor life. Hence the petitioner files this application directing the respondent to pay a sum of Rs. 15,000.00 as interim maintenance, as sum of Rs.20,000.00 towards food, clothes and medical expenses and totally a sum of Rs.35,000.00.

3. Counter in brief:

The respondent denies the allegations set out in the affidavit. Respondent lived in her uncle's house and when it was questioned, she replied that she will be like that only. Respondent maintained the petitioner. Allegation that the respondent earned a sum Rs. 30,000.00 per month from his centering works and also, he owned a house in the village which worth about Rs. 5,00,000.00 are all false. He will go for task for one or two days in a week. He was under the

shelter of his brother, without any income. Hence the respondent prays for dismissal of the application.

4. Heard both sides and perused the records.

5. Point:

“Whether this application can be allowed?”

Wife filed this application for interim maintenance against her husband. Husband who is the respondent herein filed the main petition for divorce on the ground of cruelty.

Petitioner herein alleged that the respondent deserted her and that he never maintained her. Though the respondent in his counter pleaded that he maintained the petitioner, there is no document was produced by him to prove the same. Next the petitioner contends that she was living in penury condition in her parents house. This was neither denied nor disputed by the respondent. This would clearly shows that the petitioner has no income of her own and that she was leading a poor life in her aged parents house. Question of illegal intimacy as pleaded by the respondent had no proof and that it can be decided in the main petition. Here the husband alone filed the main petition for divorce. So, no doubt that the respondent had moral obligation to maintain the petitioner.

Next in respect of quantum, though the petitioner claims a sum of Rs. 35,000.00 in the petition, she estimates a sum of Rs. 84,700.00 in the affidavit filed along with assets and liabilities. There is no document produced in respect of medical expenses and litigation expenses. So, the sum of Rs. 84,700.00 mentioned in the assets and liabilities cannot be countenanced. Coming to income of the respondent, there is no document produced by the petitioner to

prove the income of the respondent. Atleast, the petitioner could have produced document in respect of house alleged to be owned by the respondent. Mere pleading in the affidavit would not held that the petitioner earn a sum of Rs. 35,000.00 and owned a house worth of Rs. 5,00,000.00. But the respondent indirectly admitted that he is going for centering work, that too once or twice in a week. Considering the same the petitioner would have earning a sum of Rs.30,000.00 per month. Being the husband of the petitioner he is liable to maintain her. Considering the same this court inclined to award a sum of Rs. 10,000.00 p.m in toto towards interim maintenance to the respondent. Hence this point is decided accordingly.

6. Result:

In the result, this petition is partly allowed with costs, by directing the respondent to pay a sum of Rs.10,000.00 per month to the petitioner towards maintenance of her to be paid within every 5th day of every month and that the respondent shall pay the past maintenance from the date of filing this petition till the month of November 2024.

Directly typed in my personal lap-top, corrected and pronounced by me in the open court, this 18th day of November 2024.

Subordinate Judge,
Madurantakam.

I. Petitioner side evidence and Exhibits : Nil

II. Respondents side Evidence and Exhibits : Nil

Subordinate Judge,
Madurantakam.

TNCG130009502019

