

Present : Ennis and Schneider JJ.

1922.

RANASINGHE v. PERERA.

84—D. C. Colombo, 52,355.

*Alimony—Application by wife for enhancement—Civil Procedure Code, s. 615.*

There is no provision for the enhancement of alimony on the application of a wife.

THE respondent in this action sued the appellant for divorce on the ground of adultery and malicious desertion, and claimed Rs. 40 a month as alimony. The appellant filed answer alleging that the respondent herself was guilty of adultery with certain specific persons and of malicious desertion, and prayed that their marriage be dissolved, and denied that respondent was entitled to any alimony. On May 2, 1919, at the trial the action was settled by the parties, and of consent, they agreed that an order should be made for separation *a mensâ et thoro*, that the appellant should pay Rs. 17.50 a month as permanent alimony and that each party should bear his own costs, and decree was accordingly entered.

In November, 1921, the respondent applied that the alimony payable by appellant should be increased, and by his order dated May 22, 1922, the learned District Judge ordered that the appellant should, from the month of June, 1922, pay Rs. 22.50 as alimony, and bear the costs of the inquiry into the application.

*Keuneman* (with him *Weerasuriya*), for appellant.

September 6, 1922, ENNIS J.—

This is an appeal from an order enhancing alimony. It appears that the defendant was ordered to pay alimony at the rate of Rs. 17.50 a month on a decree of separation. The decree was passed under section 615 of the Code of Civil Procedure. Such a decree can be altered only where there is an express provision for such alteration. Section 615 makes provision for an alteration in the amount of alimony on the husband's application, but makes no provision for an enhancement of alimony on the application of the wife. I accordingly allow the appeal, without costs.

SCHNEIDER J.—I agree.

*Appeal allowed.*