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C.R.P. (PD) No.2024 of 2022
and C.M.P. No.10365 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

C.R.P. (PD) No.2024 of 2022
and C.M.P. No.10365 of 2022

M.Vadivarasan

...

Petitioner /
Husband

versus

Y.Monisha

...

Respondent /
Wife

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 18.04.2022 made in I.A.No.4 of 2021 in H.M.O.P.No.1322 of 2020 on the file of the learned Additional Principal Family Judge, Coimbatore.

For Petitioner : Mr.R.Prabakar

ORDER

This Civil Revision Petition has been preferred challenging the order of the learned Additional Principal Family Judge, Coimbatore dated 18.04.2022 made in I.A.No.4 of 2021 in H.M.O.P.No.1322 of 2020.



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2. The revision petitioner is the husband, who has filed the petition in H.M.O.P.No.1322 of 2020 against the respondent/wife for dissolution of marriage. During the pendency of the proceedings, petitions in I.A.Nos.3 and 4 of 2021 were filed for seeking interim maintenance for the wife and the minor son of the couples. The learned Additional Principal Family Judge, Coimbatore has dismissed the petition in I.A.No.3 of 2021 seeking interim maintenance for the wife and allowed the petition in I.A.No.4 of 2021 seeking interim maintenance for the son and fixed the maintenance at Rs.7,500/- per month. Aggrieved over that, the petitioner has filed the present Civil Revision Petition.

3. The learned counsel for the petitioner submitted that the respondent/wife is also working as a Clerk in the Indian Bank and she is also equally responsible to bare the maintenance expenses of the minor son. It is further submitted that the petitioner/judgment debtor needs to satisfy the decree amount and for which the Execution Proceedings have been initiated and his salary also attached. The further contention of the learned counsel for the petitioner is that the petitioner has to take care of his mother, who is suffering from various ailments and because of his other



commitments it is not possible for him to pay the maintenance of Rs.7,500/- per month to his minor son.

4. Despite the respondent has filed two applications for interim maintenance for herself and for her minor son, the learned Additional Principal Family Judge, has considered the fact that the respondent/wife is also working as a Clerk in the Indian Bank and she is not dependant on her husband's income for her maintenance. The fact that the revision petitioner is also working as a Clerk in the Indian Bank is not denied. The minor son of the petitioner is in the custody of the respondent. It is the respondent who needed to take charge of the entire family expenses after the couples separated. Under this circumstances, the revision petitioner is left with a single commitment of bearing Rs.7,500/- per month towards the maintenance of his minor son.

5. Since the take-home salary of the respondent is more than the take home salary of the petitioner, the learned trial Judge has rightly denied the maintenance for the wife. Again, to get a reduced take home salary is only at the whims of the revision petitioner. Being the father, the



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revision petitioner cannot disown or restrict the reasonable maintenance fixed at the rate of Rs.7,500/- per month to be paid to the minor son. In the existing cost of living and other expenses connected to the family expenses and especially when the respondent's shoulders the family burden, the fixation of Rs.7,500/-per month as maintenance to the minor son is just reasonable. Hence, I do not find any ground for interference.

6. Accordingly, this Civil Revision Petition is dismissed and the order dated 18.04.2022 passed by the learned Additional Principal Family Judge, Coimbatore, in I.A.No.4 of 2021 in H.M.O.P.No.1322 of 2020 is hereby confirmed. Consequently, connected Miscellaneous Petition is closed. However, there is no order as to costs.

04.07.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

sri

To

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The Additional Principal Family Judge,
Coimbatore.

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R.N.MANJULA, J.

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