



CRP No.1243 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 23.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

C.R.P.No.1243 of 2024

Saravanan

... Petitioner/Respondent

Vs

Baby

... Respondent/Petitioner

Prayer : Civil Revision Petitions filed under Article 227 of the Constitution of India against the fair and decreetal order, dated 25.10.2023 made in CMP.No.2329 of 2023 in DVC No.5 of 2022, on the file of Judicial Magistrate at Thirukoilur.

For Petitioner : Mr.N.Gayathri for
Mr.S.Kasirajan

For Respondent : Mr.C.Prabakaran

ORDER

The respondent/estranged wife of the petitioner filed a petition in DVC No.5 of 2022 against her husband, in which she filed a Miscellaneous Petition in CMP.No.2329 of 2022 seeking interim maintenance of



CRP No.1243 of 2024

Rs.40,000/- per month.

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2.The Trial Court by order dated 25.10.2023, allowed the petition by directing the petitioner/husband to pay a sum of Rs.15,000/- per month to the respondent/estranged wife and to his daughter as an interim maintenance. Aggrieved over the same, the present Civil Revision Petition filed.

3. The contention of the petitioner/husband is that the respondent on her own volition left the matrimonial home without any cause and deserted the petitioner. The respondent sent a legal notice dated 29.04.2022, to the petitioner's employer namely M/s.BMW Company Pvt., Ltd., he was terminated from the company and the petitioner is now jobless and it is very difficult for him to meet out his day-to-day expenses. The respondent/wife not allowing the petitioner even to meet his daughter to share his love and affection. On the other hand, the respondent/wife gave a false complaint to the police and that the petitioner/husband never committed any domestic violence act, but the respondent/wife by a false averment, filed DVC No.5 of 2022 against him. Thereafter, she filed a Miscellaneous Petition in CMP.No.2329 of 2023 for an interim maintenance of Rs.40,000/- per



month.

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4. Without considering these aspects, the Trial Court had given a finding that after resignation of the petitioner/husband, a sum of Rs.52,27,516/- was received by him as being full and final settlement from the employer and also considering the properties standing in the name of the petitioner/husband, prima facie the petitioner has sufficient means to provide maintenance. Further the learned counsel submitted that the Trial Court failed to look into the fact that after receipt of the above settlement amount, nearly a sum of Rs.32,00,000/- was paid for the previous debts and therefore, he has no sufficient means to provide interim maintenance.

5. The learned counsel appearing for the respondent/wife submitted that the petitioner/husband is creating a defence blaming respondent legal notice, addressed to his employer, and he was terminated from the employment from BMW. Further he submitted that petitioner left the employment from BMW, to deny maintenance to the respondent/wife and his daughter. Both the respondent and her daughter suffered physical assault, and harassment. Hence for protection she approached the Police and thereafter lodged a domestic violence complaint. The petitioner after



CRP No.1243 of 2024

receiving a sum of Rs.52,27,516/- from the BMW, invents reason for not paying the maintenance amount.

6.Further after chasing out the respondent and daughter, the petitioner, not bothered to pay the school fees for his daughter, who is studying IV standard, with the respondent's family members and parents support she is meeting her day-to-day expenses, she is only a housewife. The amount sought by the respondent/wife is Rs.40,000/- per months, but the Trial Court ordered a sum of Rs.15,000/- per month, towards maintenance against which the respondent/wife intends to file a revision.

7.Considering the facts and circumstances of the case and also considering the earning capacity of the petitioner, his status and assets he holds, the Trial Court granted a sum of Rs.15,000/- for an interim maintenance to the respondent/wife and school going daughter of the petitioner, might not be sufficient, but it is for the respondent to file appropriate petition. The grounds raised by the petitioner are not sustainable. Hence, this Court is of the view that the Trial Court rightly given an interim maintenance and this Court is not inclined to interfere with the order of interim maintenance passed by the Trial Court and the Civil



CRP No.1243 of 2024

Revision Petition is liable to the dismissed.

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8. Accordingly, the civil revision petition stands dismissed. However, there shall be no order as to costs.

23.04.2024

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Index : Yes/No

Internet : Yes/No

To
Judicial Magistrate at Thirukoilur.



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CRP No.1243 of 2024

M.NIRMAL KUMAR, J
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C.R.P.No.1243 of 2024

23.04.2024