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C.R.P. No.746 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2024

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P.No.746 of 2022
and C.M.P.No. 3720 of 2022

T.Senthil Kumar

... Petitioner

Vs.

Durga

... Respondent

PRAYER: Petition filed under Article 227 of Constitution of India praying to set aside the order dated 26.08.2021 passed in I.A.No.20 of 2020 in H.M.O.P.No.141 of 2019 passed by the Principal Subordinate Judge, Virudhachalam.

For Petitioner	: Mr.P.Sesubalan Raja
For Respondents	: Mr.A.G.Abhishek
	for Mr.L.Palani Muthu

ORDER

This petition has been filed by the revision petitioner/husband assailing the order dated 26.08.2021 made in I.A.No.20 of 2020 in H.M.O.P.No.141 of 2019 passed by the Principal Subordinate Judge, Virudhachalam for fixing a sum of Rs.20,000/- per month as maintenance to

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the minor daughter, besides a sum of Rs.5,000/- towards expenses of legal proceedings.

2. Learned counsel appearing for the petitioner would submit that the petitioner/husband had filed HMOP No. 141 of 2019 against his respondent/wife for dissolution of marriage. During pendency of the said HMOP, she had filed I.A.No.20 of 2020 under [Section 24](#) the Hindu Marriage Act, 1955 for grant of interim maintenance of Rs.75,000/- per month to her and for her minor daughter. Since the respondent is also earning a considerable amount, the Trial Court ought not to have fixed the maintenance amount of Rs.20,000/- for the minor daughter proportionately. He further submit that it is not possible for the petitioner to pay the maintenance, as directed by the Court below. Hence, the present petition.

3. Learned counsel appearing for the respondent would submit that the respondent is living separately and leading a difficult life along with her minor daughter. The Trial Court had rightly considered the income of the petitioner and directed him to pay the maintenance pendente lite for a sum of Rs.20,000/- per month to the minor daughter to meet out her various



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expenses. Therefore, the order passed by the Court below is just and reasonable and he prayed for dismissing the petition.

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

5. A perusal of the record would go to show that the learned Principal Subordinate Judge, on careful analysis of the facts and also taking into consideration the income of the husband, awarded an amount of Rs.20,000/- per month towards maintenance of minor daughter on or before 5th of every month till disposal of the petition and besides a sum of Rs.5,000/- towards expenses of the proceeding. As a father of minor daughter, he is morally and ethically bound to pay the maintenance expenses to meet out her various expenses. Therefore, this Court is of the considered opinion that [Section 24](#) of Hindu Marriage Act is a socio-economic piece of legislation. The wife and minor children who are unable to maintain themselves and are forced to stay separately from their husband/father during the pendency of matrimonial dispute in the Court has to be given a reasonable sum towards the interim maintenance. It is not only the legal duty, but a pious obligation of being a husband and father, to



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maintain his wife and child. Accordingly, there is no infirmity in the order passed by the trial Court and the same does not warrant any interference of this Court.

6. In the result, the Civil Revision Petition is dismissed confirming the order impugned dated 26.08.2021 made in I.A.No.20 of 2020 in H.M.O.P.No.141 of 2019 passed by the Principal Subordinate Judge, Virudhachalam. Considering the fact that HMOP was filed in the year 2019, the learned Principal Subordinate Judge, Virudhachalam is hereby directed to dispose of H.M.O.P.No.141 of 2019 within a period of six(6) months from the date of receipt of a copy of this order. No costs. Consequently connected miscellaneous petition is closed.

23.02.2024

msv
Index: Yes/No
Internet: Yes/No
Speaking order: Non-speaking order

To

The Principal Subordinate Judge, Virudhachalam

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J.NISHA BANU,J.

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