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C.R.P.(PD).No.1484 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 12.04.2024

Coram

**THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN**

C.R.P.(PD).No.1484 of 2024 &  
C.M.P.No.7978 of 2024

G.Ramakrishnan

... Petitioner

-Versus-

1.L.Dhanalakshmi

2.R.D.Sanjiv

minor rep by his mother and guardian

L.Dhanalakshmi

... Respondents

Civil Revision Petition under Article 227 of the Constitution of India against the order and decreetal order passed in I.A.No.2 of 2022 in HMOP.No.663 of 2020 dated 12.10.2023 on the file of the I Additional Family Court, Chennai.

*For Petitioner : Mr.V.V.Sairam*

**ORDER**

This civil revision petition challenges the award of interim maintenance in I.A.No.2 of 2022 in HMO.P.No.663 of 2020.



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2. The petitioner and the respondent married in Chennai on 01.12.2014.

From the wedlock, the second petitioner was born. The husband has initiated HMOP.No.663 of 2020 on the file of the I Additional Family Court at Chennai. On being served with the summons, the wife took out an application for interim maintenance of Rs.20,000/- per month towards her maintenance and Rs.15,000/- per month towards the maintenance of her child under Section 24 of the Hindu Marriage Act.

3. Neither party entered the witness box to depose or give evidence in respect of their respective pleas.

4. The Court, applying a rule of thumb, came to the conclusion that the wife is entitled to Rs.10,000/- per month as maintenance and the child is entitled to a maintenance of Rs.5,000/- per month till the disposal of the HMOP. This order is sought to be revised before me.

5. It is the case of Mr.V.V.Sairam that the respondent/husband, though



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working as a senior fund administrator with DLR City Developers in Chennai, is paying a substantial amount towards the premium for insurance taken in the name of the second petitioner. Apart from that, he would state that the wife is taking online classes and is generating a substantial income. As pointed out above, neither the husband nor the wife entered the witness box.

6. The facts set forth above would clearly show that the husband is employed in a multinational firm, whereas the wife is dependent only upon sporadic amounts which she will get by taking classes. In other words, the husband is having an assured income every month, whereas the wife is not assured of the same.

7. Though Mr.V.V.Sairam would vehemently contend that the wife is making Rs.35,000/- per session, unfortunately for him, his client has not even bothered to enter the witness box and has not even filed a proof affidavit in support of the said contention. When there is no evidence available before the court, the court would have to proceed on the basis of the affidavit filed by the wife. That is exactly what has been done in the present case.



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8. Rs.15,000/- for two individuals, in the current market standards , would only enable them to live above the bare animal existence. Therefore, I am not inclined to interfere with the order in I.A.No.2 of 2022 in O.P.No.663 of 2020. Therefore, **this civil revision petition is dismissed.** No costs. Consequently, the connected miscellaneous petition is closed.

9. Mr.V.V.Sairam would plead that time be granted to clear the arrears. He would seek two months to pay the arrears as directed by the trial court on 12.10.2023. I find this request is reasonable. While dismissing the revision, two months' time is granted to the husband to clear the arrears as directed by the trial court. The husband shall continue to pay a sum of Rs.15,000/- per month fixed by the learned trial judge till the disposal of HMOP.No.663 of 2020.

12.04.2024

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Index : yes / no  
Neutral Citation : yes / no  
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To

The I Additional Family Court, Chennai.



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V.LAKSHMINARAYANAN, J.

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