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C.R.P.(PD).No.1494 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.1494 of 2024 &
C.M.P.No.8083 of 2024

Dr.T.Irusan

... Petitioner

-Versus-

M.N.Kalaivani

... Respondent

Civil Revision Petition under Article 227 of the Constitution of India against the order passed in I.A.No.3 of 2019 in HMOP.No.2814 of 2019 dated 02.11.2023 by the II Additional Judge at Chennai.

For Petitioner : Mr.N.R.Anantha Rama Krishnan

ORDER

This revision petition arises against the order in I.A.No.3 of 2019 in O.P.No.2814 of 2019.

2. There is no dispute in the relationship between the petitioner and the respondent. They got married to each other as early as 12.07.1970. The



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petitioner was a professor in Anna University and a Doctorate in Engineering.

From the wedlock, four children were born and thereafter, the petitioner and the respondent fell out and they are before the family court. The respondent sought maintenance from the petitioner.

3. The trial court, after an analysis of the respective incomes of the parties, found that a sum of Rs.20,000/- per month would be reasonable for the nearly 70 year old lady to maintain herself. This sought to be put in challenge before me.

4. The facts that the husband has a Doctorate in Engineering and is a retired professor from Anna University are not in dispute. It is also not in dispute that he is receiving substantial amounts by way of pension. It is also admitted that the petitioner is having agricultural lands, which are also generating income.

5. Further, neither the petitioner nor the respondent have entered the witness box to depose as regards their respective income.



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6. It is the duty of the husband has to maintain the wife whatever be the age of the wife. The fixation of Rs.20,000/- per month, when the husband would be receiving the substantial sum as pension cannot be said to be unreasonable, arbitrary or capricious.

7. In the light of the above discussion, the order passed by the learned II Additional Family Judge at Chennai dated 02.11.2023 stands confirmed and this civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

8. Two months' time is granted to the husband to clear the arrears as directed by the learned Judge. After the arrears are cleared and if the petitioner continues to pay the sum of Rs.20,000/- per month, then the court is requested to give priority to the petition.

9. Considering the fact that both the petitioner as well as the respondent are senior citizens, the trial court shall endeavour to dispose of the same within a period of six months from the date when the husband clears all the arrears.



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Index : yes / no

Neutral Citation : yes / no

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V.LAKSHMINARAYANAN, J.

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To

The II Additional Family Court, Chennai.

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