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C.R.P.(PD)No.1629 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD)No.1629 of 2024

and

C.M.P.No.8668 of 2024

M.P.Srikumaran

.. Petitioner

Vs.

R.Mrudhula

.. Respondent

Prayer : The Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order dated 30.11.2023 made in I.A.No.4 of 2023 in H.M.O.P.No.1376 of 2022 by the learned III Additional Principal Family Judge at Chennai.

For Petitioner : Mr.P.Munuswamy

ORDER

The present revision arises against an order of the interim maintenance filed by the wife. She sought for a direction from the Court to direct the respondent to pay a sum of Rs.1,00,000/- per month.



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2. There is no dispute that the petitioner and the respondent are highly educated. The petitioner has a Masters in Bio Technology and is a permanent resident of the city of Chennai. The respondent has a Doctorate in Physiotherapy and she is also residing at Chennai. For the reasons best known to them, the parties are before the Family Court in H.M.O.P.No.1376 of 2022.

3. Pending the H.M.O.P., the wife took out an application for a grant of interim maintenance. The learned trial Judge granted interim maintenance of Rs.15,000/- from the date of filing of that petition. This revision challenges the said order.

4. The ground of challenge is that the respondent/wife is a Physiotherapist and she is capable of generating income by herself and therefore, she need not be provided with maintenance.

5. The Court while fixing a maintenance does not see or should not see whether the wife is capable of maintaining herself and live an animal like existence. While fixing the maintenance, the Court decides only an



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amount which would be equivalent to the amount that will be spent by the husband on the wife if both of them were living together.

6. The husband, who is working with a eminent management consultancy firm, namely, E & Y LLP. Pvt. Ltd., is drawing a salary of Rs.1,65,000/-. The wife, no doubt, being a Physiotherapist, would make some income but that income might not be possibly equal to the amount that she is entitled to have when she had been living with the revision petitioner.

7. The learned Judge exercising the discretion had fixed a sum of Rs.15,000/- per month. For a person drawing Rs.1,65,000/- to pay a sum of Rs.15,000/- per month is nothing but a flea bite. Taking into overall circumstances of the case, I am not inclined to interfere with the order. Accordingly, the Civil Revision Petition stands dismissed. No costs. The connected Civil Miscellaneous Petition is closed.

18.04.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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V. LAKSHMINARAYANAN, J.

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To

The III Additional Principal Family Court,
Chennai

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and

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