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C.R.P.(PD).No.1635 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD).No.1635 of 2024 &
C.M.P.No.8701 of 2024

B.Lakshmikanth

... Petitioner

-Versus-

A.Divya

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order passed in I.A.No.1 of 2019 in I.A.No.2807 of 2017 in O.P.No.2246 of 2016 on the file of the IV Additional Family Court, Chennai dated 19.12.2023.

For Petitioner : Mr.S.Ramachandran

ORDER

The husband is the civil revision petitioner herein. It is the duty of the husband to maintain his wife in the same status as she had been living with him.

2. The civil revision petitioner is the owner of certain lorries and he is also running a milk vending unit. The Trial Court had originally fixed a sum of



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Rs.7,500/- in I.A.No.2807 of 2017 as interim maintenance. Subsequently, alleging that the husband is running his own transport company and is making not less than Rs.5,00,000/- per month, the petition for enhancement of maintenance was filed.

3. The learned Trial Judge came to the conclusion that the husband had not produced his income tax certificate for the past three years, and therefore, he had deliberately suppressed his income.

4. It is not in dispute that the marriage has produced a female child who is 10 years old. It is the duty of the husband to maintain his wife as well as his child. Though the contention of the wife was that her husband is making a sum of Rs.5,00,000/- per month, the learned trial judge has taken into consideration the income of the husband only Rs.1,25,000/- per month and had enhanced the maintenance from Rs.7,500/- each to the wife and to the child, to that of Rs.15,000/- to the child and Rs.30,000/- to the wife per month. This was derived by the rule of thumb.

5. The learned judge had no other opportunity to revisit the income of the



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petitioner because he brought it on himself by not disclosing his income records. The petitioner, apart from being the owner of the lorry, is also a graduate in computer science. So the learned judge took the overall circumstances into consideration before he fixed the amount.

6. It is a discretionary order based on objective criterion placed before the court. Such discretionary orders are not susceptible to be revised unless and until they are arbitrary or capricious.

7. I notice that the proceedings are pending from the year 2016. Instead of litigating on the main matter, the parties have been fighting only on interlocutory applications for the past eight years.

8. Considering the overall circumstances, the learned judge is directed to take up O.P.No.2084 of 2016 and O.P.No.2246 of 2016 and ensure that the matters are disposed of on or before 31.12.2024.

9. With the above direction, this civil revision petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.



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Index : yes / no

Neutral Citation : yes / no

Speaking / Non Speaking Order

To

1.The IV Additional Family Court, Chennai



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V.LAKSHMINARAYANAN, J.

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