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C.R.P.No.1683 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

CORAM

THE HONOURABLE MR.JUSTICE **V. LAKSHMINARAYANAN**

C.R.P.No.1683 of 2024

and

C.M.P. No.8875 of 2024

Samprabhu Robert

.. Petitioner

VS

Sheeba Darling Beulah

.. Respondent

Petition filed under Article 227 of the Constitution of India against the fair and decretal order in I.A.No.1 of 2022 in I.D.O.P. No.4412/2021 on the file of III Additional Principal Family Court, Chennai dated 02.03.2024.

For Petitioner : Mr.R.Suresh Kumar
for M/s.K.M.Vijayan Associates

ORDER

This revision arises against an order of interim maintenance in I.A. No.1 of 2022 in I.D.O.P. No.4412 of 2021.

2. There is no dispute in the relationship between the parties. After the marriage on 20.01.2021, the petitioner and the respondent have separated and are joined only through litigation.



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I.D.O.P. was initiated for divorce by the husband and it was taken on file as I.D.O.P.No. 4412 of 2021. On being served with summons, the wife took out an application in I.A. No.1 of 2022 seeking interim maintenance of Rs.1,00,000/- per month. The Court below found that the petitioner herein is running a medical shop and he is earning income from the same. According to the income tax return, which was perused by the learned Judge, the petitioner is generating an income of about Rs.4,43,560/-.

3. In the affidavit opposing maintenance application, the husband has stated that he is earning only Rs.30,000/- per month and he is repaying a loan of Rs.29,000/- per month, in other words, his entire family is surviving on Rs.1,000/- per month. This story projected by the petitioner was rightly rejected by the learned Family Court Judge.

4. Taking into consideration the overall income of the petitioner, the learned Family Court Judge has fixed Rs.21,000/- per month as maintenance to be paid by the husband to the wife.

5. I do not find any error or irregularity in the order passed by the Family Court Judge which requires no interference. Accordingly,



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the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

6. Since the order of Family Court Judge stands confirmed, the petitioner shall clear all the arrears within the time granted by the Court. He would continue to pay the amount ordered by the Court below every month. In case he complies with aforesaid twin conditions, the Family Court Judge is requested to take up the application and dispose of the same on or before 31.12.2024. In case the husband defaults in payment of maintenance, the direction given for early disposal will not enure in his favour.

18.04.2024

Index:Yes/No
Neutral Citation:Yes/No
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To

The III Additional Principal Family Court,
Chennai.



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V. LAKSHMINARAYANAN,J.

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