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C.R.P. (PD) .No. 1861 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.09.2024

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THE HONOURABLE Mr. JUSTICE

V.LAKSHMINARAYANAN

C.R.P. (PD) .No. 1861 of 2024

M.Prakash

...Petitioner

Vs.

Dharani. P

...Respondent

Prayer: Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order passed in I.A.No.2 of 2022 in F.C.O.P.No.37 of 2021 on the file of the Principal Family Court, Tiruvannamalai.

For Petitioner : Mr.M.Prakash
Party-in-Person.



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For Respondent : Mr. G.Balamanikandan.

ORDER

This Civil Revision Petition arises against the order of interim maintenance. The civil revision petitioner is the father. He married the respondent on 04.07.2014, at Thiruvannamalai. From the wedlock three children have been born, of which the last two are twins. The children are studying in 5th and 2nd standard, respectively. Due to dispute and differences, the parties have separated. The wife alleging cruelty on the part of the husband has initiated F.C.O.P.No.37 of 2021 on the file of the Family Court, Thiruvannamalai. The husband had entered appearance and has filed his counter.

2. Thereafter, the wife took out an application in I.A.No.2 of 2022 seeking maintenance of Rs.40,000/- per month. She would plead that she is residing at her parent's house with her children and is unable to maintain herself and her children. She would state that the



husband is having apartments in Chennai and is generating about Rs.60,000/- per month as rental income. Hence, she sought for the aforesaid figure as monthly maintenance.

3. The Court issued notice to the husband and he has also filed a detailed counter.

4. According to him, he is presently unemployed, whereas, the wife is a qualified person with work experience as a lecturer in College. He would state that the wife's parents are possessed of sufficient wealth and she cannot plead that she does not have any source of income.

5. After considering the petition and counter, the learned Judge ordered a sum of Rs.3,000/- per head to the wife and three children. In all, the learned Judge directed a sum of Rs.12,000/- to be paid per month. The learned Judge denied the relief of Rs.5,00,000/- sought by



the wife towards expenses that she had incurred.

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6. Aggrieved by the said order, the present revision at the instance of the husband.

7. Heard the party-in-person as well as Mr.G.Balamanikandan for the respondent / wife.

8. In so far as Section 24 of the Hindu Marriage Act is concerned the husband is duty bound to maintain his wife and his children in case an application is filed by the wife pleading that she is unable to maintain herself. The duty of the husband has been held to be sacrosanct in this regard by the Supreme Court in ***Rajnesh vs Neha and another - AIR 2021 (SC) 569***. Therefore, the plea of the husband



that he does not have any source of income and hence he cannot maintain his children is unacceptable.

9. Apart from that, the amount ordered by the learned Judge works out to a sum of Rs.100/- per day for each person. The wife and the children are living in Thiruvannamalai. By the standards of the said town, it cannot be said that the amount is excessive, exorbitant or arbitrary.

10. I do not find any reason to interfere with the said order. The Civil Revision petition is dismissed. No costs.

11. At this stage, Mr.G.Balamanikandan would point out that there is an arrear of Rs.1,20,000/-. The party-in-person states that he will clear all the arrears within a period of one month. The time sought for by the husband is granted. He shall pay the entire amount by 10.10.2024.



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To

The Principal Family Court,
Tiruvannamalai.



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