



C.R.P.(PD)No.2488 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD)No.2488 of 2024

and

C.M.P.No.13026 of 2024

D.Baskar

.. Petitioner

Vs.

Pachaiyammal @ Hemavathy

.. Respondent

Prayer : The Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order, dated 18.07.2018, passed in I.A.No.1183 of 2014 in O.P.No.4065 of 2013 on the file of the learned V Additional Principal Judge (Full Additional Charge of VI Additional Family Court) at Chennai.

For Petitioner : Mr.K.Balasubramaniam

For Respondent : Mr.B.N.Suchindran
for C.Balasubramaniam



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ORDER

The present Civil Revision Petition arises against an order passed by the learned V Additional Principal Judge (Full Additional Charge of VI Additional Family Court) at Chennai in I.A.No.1183 of 2014 in O.P.No.4065 of 2013 dated 18.07.2018.

2. O.P.No.4065 of 2013 has been presented by the civil revision petitioner seeking divorce.

3. On being served with the summons, the wife has taken out an application for grant of an interim maintenance. She claims a sum of Rs.15,000/- per month as a maintenance and further, Rs.5,000/- to her litigation expenses.

4. On being served with the petition, the respondent filed a counter stating that the wife herself is working and therefore, she is not entitled to for the maintenance.



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5. Neither parties entered into the witness box. The husband only marked Ex.R1/the copy of a sale deed.

6. The learned trial Judge after a detailed discussion came to the conclusion that the husband has not let in any evidence before the Court to show that the wife is getting Rs.25,000/- as income from rental properties. Hence, he rejected the argument of the respondent therein. Taking into consideration the fact that the husband is a lawyer, the trial Court fixed the monthly maintenance at Rs.10,000/-, against which the present revision has been presented before this Court.

7. Heard Mr.K.Balasubramaniam, appearing on behalf of the petitioner and Mr.B.N.Suchindran, for Mr.C.Balasubramaniam, appearing on behalf of the respondent.

8. A perusal of the impugned order shows that both the parties are Advocates. While the wife has pleaded that the husband is making about



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Rs.50,000/- per month, she has not substantiated the same by filing documents. The civil revision petitioner/husband states that the wife is getting huge rental income and he has also not let in any evidence to substantiate the same.

9. The learned trial Judge taking into consideration a judgment of the Supreme Court came to the conclusion that the Court has the power to fix an adequate amount of maintenance so as to enable the wife to live with dignity. This amount, in the facts of the present case, was fixed at Rs.10,000/-. This amount can neither said to be excessive nor arbitrary. Therefore, I find no reasons to interfere with the order passed by the learned V Additional Principal Judge (Full Additional Charge of VI Additional Family Court) at Chennai.

10. Accordingly, the Civil Revision Petition stands dismissed. No costs. The connected Civil Miscellaneous Petition is closed.

11. In case, the husband pays the entire amount, and if there are no arrears, the learned Family Judge, after confirmation of the said fact, shall



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endeavor to dispose of the proceeding within a period of nine months from
the date of receipt of a copy of this order.

18.07.2024

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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 learned V Additional Principal Judge
(Full Additional Charge of VI Additional Family Court),
Chennai

C.R.P.(PD)No.2488 of 2024

and

C.M.P.No.13026 of 2024

18.07.2024