



C.R.P.No.2525 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.2525 of 2024

S.Vellaiappan @ Sivakumar

.. Petitioner

Vs.

1. P.Gokilavani @ Nandhini

2. Rishani (minor)

Rep. by her guardian cum mother

P.Gokilavani @ Nandhini

.. Respondents

Prayer: Petition filed under Article 227 of the Indian Constitution, against the fair order and decretal order dated 06.06.2023 made in I.A.No.1 of 2022 in H.M.O.P.No.352 of 2021 on the file of the II Additional Subordinate Court, Coimbatore.

For Petitioner : Mr.M.Muthappan

ORDER

The civil revision petition arises against the order of interim maintenance.



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2. The petitioner is the husband. He presented HMOP.No.72 of 2020, seeking for divorce, invoking the provisions of Section 13(1)(i-a) of the Hindu Marriage Act, 1956. There is no dispute in the relationship between the parties. The civil revision petitioner is the husband, the first respondent is the wife and the second respondent is the daughter, who was born from the wedlock between the petitioner and the first respondent. Alleging that the wife is refusing to come and live with him, the husband presented HMOP.No.72 of 2020, seeking for divorce.

3. The first respondent wife has also initiated proceedings for restitution of conjugal rights in HMOP.No.352 of 2021 before the II Additional Sub-Ordinate Court at Coimbatore. Thereafter, an application was filed to transfer the proceedings initiated by the husband in Karur to Coimbatore and the same was also ordered.

4. Pending the litigation, seeking maintenance of Rs.20,000/- for herself and Rs.30,000/- for the child, the wife moved I.A.No.1 of 2021. This was filed invoking Section 24 of the Hindu Marriage Act, 1956. The allegation of the wife is that the husband is making about a lakh



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and fifty thousand per month, working in HCL Company, whereas she is only drawing a sum of Rs.45,000/- and has lot of expenses for the Education of the child as well as for herself. She has also disclosed that she has taken a personal loan, running to few lakhs, on account of the fact that she is unable to maintain herself.

5. The learned II Additional Sub-Ordinate Judge, after receipt of the counter from the husband and taking note of the affidavit of assets filed by the wife, fixed the interim maintenance at Rs.10,000/- for the wife and Rs.5,000/- for the child. He directed the husband to pay the amount from 26.10.2022, that is from the date of filing the petition. Impugning the same, the present civil revision petition has been presented.

6. *Mr.M.Muthappan* would submit that the wife is working in HCL Company and therefore, she is capable of maintaining herself. He would state that as far as the child is concerned, the father does not have any objections to maintain the child, but he has serious objections when it comes to the question of paying Rs.10,000/- to the wife.



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7. The principle of maintenance is that the wife is entitled to be maintained in the same status as she would have been maintained if she continued to live in her matrimonial home. When the first respondent has stated that the husband is drawing a sum of Rs.1.50 lakhs and is employed in the Senior Executive level in HCL, then had she continued to live with the husband, certainly, he would have spent more than a sum of Rs.10,000/- on her.

8. Considering the overall circumstances of the case, I do not find that the sum of Rs.10,000/- is excess or arbitrary. On the *contrary*, I find it very reasonable. In fact, I would state that the sum of Rs.10,000/- is paltry compared to the amount of income earned by the husband.

9. In light of the above, I do not find any reason to interfere. The civil revision petition is dismissed. There shall be no order as to costs. Consequently, C.M.P.No.13244 of 2024 is closed.



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10. In case the matter is ready for trial and if the husband clears all the arrears, the learned Judge is entitled to dispose of the case as expeditiously as possible.

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Neutral Citation : Yes/No

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*V.LAKSHMINARAYANAN, J.*

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