



C.R.P.(PD)No.2496 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.2496 of 2024

and

C.M.P.No.13084 of 2024

M.S.Sridhar

.. Petitioner

Vs.

C.Shalini

.. Respondent

Prayer : The Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order, dated 24.07.2023, made in I.A.No.1 of 2019 in H.M.O.P.No.950 of 2018 on the file of the learned II Additional Principal Family Judge at Chennai.

For Petitioner : B.Janakiram

ORDER

The present Civil Revision Petition arises against an order passed by the learned II Additional Principal Family Judge at Chennai. The respondent/wife has filed an application for interim maintenance in I.A.No.1



C.R.P.(PD)No.2496 of 2024

of 2019 in H.M.O.P.No.950 of 2018.

WEB COPY 2. H.M.O.P.No.950 of 2018 was presented by the Civil Revision Petitioner/husband.

3. There is no dispute in the relationship between the parties. The petitioner herein is the husband and the respondent is the wife. They got married on 03.07.2011 at Chennai. From the wedlock, a male child was born, namely Vishnu.

4. The case of the respondent/wife is that the petitioner/husband and his parents had pushed her out of the matrimonial home along with the child on 24.03.2014.

5. The husband moved an application before the Family Court at Chennai in O.P.No.4889 of 2014 seeking restitution of conjugal rights. Also, he moved an application in H.M.O.P.No.950 of 2018 seeking divorce.

6. On being served with the summons, the wife has moved an application for interim maintenance stating that the husband is working in



C.R.P.(PD)No.2496 of 2024

Integral Coach Factory (ICF) at Perambur, Chennai and is earning about Rs.70,000/- per month. She would state that she is not able to survive on her own nor spend for the child. Hence, she sought maintenance at the rate of Rs.20,000/- per month.

7. On being served with the petition in the maintenance application, the husband entered appearance and stated that the averments made in the petition are false. He would further point out that the wife is working as a clerk in Vivekananda Vidyalaya and is earning Rs.15,000/- per month. Therefore, he would plead for the dismissal of the petition.

8. The wife filed an affidavit of assets and liabilities stating that her take home salary is only Rs.9,445/- per month and out of that salary, she is spending for her child as well as for maintaining herself. She would further state that her husband is working as Senior Crane Operator in ICF Shell Factory at Villivakkam.

9. The husband filed an affidavit of assets and liabilities admitting that he is working as a Senior Technician and is getting a salary of



C.R.P.(PD)No.2496 of 2024

Rs.42,270/- per month. He would state that out of the said income, he is spending Rs.29,981/- per year towards L.I.C. and also spending Rs.10,800/- per year towards the education of the child and Rs.20,000/- per month towards the medical expenses of his parents. He would state that since he has aged parents to maintain, he may be relieved from the liability for maintenance.

10. The learned Judge came to the conclusion that as the wife is unable to maintain herself from the meager income that she is making, the husband is liable to pay a sum of Rs.10,000/- per month, against which the present Civil Revision Petition has been presented before this Court.

11. A perusal of the assets and liability statement of the wife, which has been enclosed in Page No.94 of the typed set of papers, makes it clear that the husband is a Senior Crane Operator in ICF Shell at Shop No.12. The husband would also state that he is making about Rs.42,270/- per month. What the wife has been granted by the trial Court is only 1/4th of the aforesaid income of the husband, namely Rs.10,000/- towards the wife and Rs.5,000/- towards the child. In other words, in all the husband is spending



C.R.P.(PD)No.2496 of 2024

only 1/3rd of his salary towards his wife and child.

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12. The principle of law relating to maintenance is that the husband should maintain his wife in the same standards as she would have been maintained, in case, she continues to live with him in the matrimonial home.

See, ***Bharat Hegde vs. Saroj Hegde [AIR 2007 Delhi 197]***.

13. I am sure that if the husband and wife had been residing together, the husband would have spent more than Rs.15,000/- towards his family. As the learned trial Judge has come to the conclusion by correctly appreciating the position of law, I do not find any reasons to interfere with the order passed by the learned II Additional Principal Family Judge at Chennai.

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

18.07.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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C.R.P.(PD)No.2496 of 2024

V. LAKSHMINARAYANAN, J.

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To

The learned II Additional Principal Family Judge,
Chennai

C.R.P.(PD)No.2496 of 2024
and
C.M.P.No.13084 of 2024

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