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CRP No.2538 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

CRP No.2538 of 2024
and CMP No.13304 of 2024

Kannabirran

.. Petitioner

-VS-

Aswini @ Sujatha

.. Respondent

Prayer: Revision petition filed against the Fair and Decretal order dated 06.03.2021 passed in I.A.No.15 of 2020 in F.C.O.P.No.258 of 2016 on the file of Family Court, Vellore.

For Petitioner : Mr.T.Dheeraj
for Mr.P.Valliappan
for M/s.P.V. Law Associates

* * * * *

ORDER

This civil revision petition is at the instance of the husband.

2. F.C.O.P.No.258 of 2016 now pending before the Family Court at Vellore was originally filed before the learned Subordinate Judge at Gudiyatham as H.M.O.P.No.59 of 2015. This is a petition for restitution



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of conjugal rights. Pending disposal of the F.C.O.P., the wife sought for grant of interim maintenance. She sought for maintenance at Rs.30,000/- per month and Rs.50,000/- towards litigation expenses and a further sum of Rs.20,000/- for the minor child.

3. There is no dispute that the petitioner married the respondent on 01.06.2012 and from the wedlock, a son was also born to the couple. Thereafter, the wife alleged that she had been chased away from the matrimonial home on 14.02.2015. Pleading that she is without any maintenance and in the shelter of her aged mother and with great difficulty, she is taking care of her minor child, she sought for the aforesaid amounts as maintenance.

4. On service of notice in the application, the husband took a stand that the petitioner wife is working as a teacher in St. Johns Matriculation School at Gudiyatham and is earning about Rs.18,000/- per month. He would state that he was never an Assistant Professor of Pharmacy as alleged by the petitioner in Surya College, Vikravandi at Villupuram District, but is working as a pharmacy boy in Ananyaa Medicals at Puducherry, earning a monthly income of Rs.8,500/-.



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5. The learned Judge, after perusal of the invitation card, came to the conclusion that the petitioner being an M.Pharm Graduate, is working as a Professor in Surya College, Vikravandi, Villupuram District and granted the relief of Rs.10,000/- per month as interim maintenance for the petitioner as well as Rs.10,000/- as litigation expenses. Aggrieved by the same, the husband is on revision.

6. Before the learned trial Judge, the petitioner did not file his affidavit of assets and liabilities as has been directed by the Supreme Court. Therefore, adverse inference has to be taken against the husband for not having come before the Court with clean hands. He would curiously take a stand that after having qualified as a Master in Pharmacy, he is working in Ananyaa Medicals at Puducherry as a pharmacy boy. It is an unbelievable and a fantastic story.

7. The learned Judge had opportunity to go through the wedding card that has been produced before him whereunder the husband has specifically stated that he is working as an Assistant Professor in Surya College, Vikravandi at Villupuram District. Therefore, the petitioner having come forward with a false case, the Court below rightly refused



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to believe it. Furthermore, the amount that has been granted is only Rs.10,000/- per month, with which the respondent has to take care of herself as well as her minor son Sarveswaran. I do not find the amount either excessive or arbitrary or even capricious.

8. In the light of the above, the civil revision petition is dismissed. There shall be no order as to costs. Consequently, C.M.P.No.13304 of 2024 is closed.

19.07.2024

Index : Yes/No
Neutral Citation : Yes/No

sra

To

The Family Court, Vellore.



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V. LAKSHMINARAYANAN, J.

(sra)

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