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C.R.P.(PD).No.3469 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.3469 of 2024
and C.M.P.No.18792 of 2024

Elanchezhian

.. Petitioner

Versus

E.Supriya

.. Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to allow this revision petition and set aside the fair order and decretal order, dated 08.01.2024 passed in I.A.No.492 of 2022 in H.M.O.P.No.35 of 2022 on the file of the Family Court, Cuddalore.

For Petitioner : Ms.Pooja.J
for Mr.D.Baskar

ORDER

This Civil Revision Petition is at the instance of the husband.

2. The petitioner married the sole respondent on 01.02.2021. From the wedlock, there are no issues. The petitioner is a B.A. Graduate who is working in the Central Co-operative Bank at Cuddalore. He would plead that he lost his employment and is currently helping his mother rear three milch cows, from which, they are generating income and are surviving. The



C.R.P.(PD).No.3469 of 2024

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husband initiated H.M.O.P.No.35 of 2022 on the file of the Family Court, Cuddalore seeking for divorce. On being served with the summons, the wife took out an application under Section 24 of the Hindu Marriage Act, 1955 seeking Rs.10,000/- as interim maintenance. The learned Judge received a counter from the husband and proceeded to grant a sum of Rs.7,500/- as maintenance towards the wife. Challenging the same, the present Civil Revision Petition is filed.

3. Heard Ms.Pooja.J, learned Counsel for the civil revision petitioner.

4. Ms.Pooja would submit that the husband has lost his employment and is not in a position to maintain himself. Therefore, the question of maintaining his wife does not arise.

5. A careful perusal of the order of the Trial Court shows that neither parties have filed the affidavit of assets and liabilities as directed by the Supreme Court in ***Rajnesh Vs. Neha and Anr., (2021) 2 SCC 324***. The husband would plead that he lost his employment and therefore, that terminates his liability to maintain his wife. Under Section 24 of the Hindu



C.R.P.(PD).No.3469 of 2024

WEB COPY

Marriage Act, 1955, all that the Court would have to see is whether the wife is unable to maintain herself. If she is in that position, then, it is the duty of her husband to maintain her. In fact, in **Rajnes**'s case (cited *supra*), the Supreme Court has specifically held that it is the sacrosanct duty of the husband to maintain his wife. If that be the position of law, I am not in a position to accept the submission of Ms.Pooja. Apart from that, the quantum of maintenance that has been fixed by the learned Family Judge is only Rs.7,500/- per month which is approximately around Rs.200/- per day. I do not find the amount to excessive or arbitrary especially considering the fact that the party is living in Cuddalore town.

6. There being no reasons to interfere, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

03.09.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To



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The Family Court,
Cuddalore.



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V.LAKSHMINARAYANAN, J.

grs

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