



C.R.P.No.2748 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2024

CORAM :

The Hon'ble MR.JUSTICE V.LAKSHMINARAYANAN

**C.R.P.No.2748 of 2023
and C.M.P.No.16940 of 2023**

S.Mahalakshmi

.. Petitioner

-VS-

P.Chandran

.. Respondent

Petition filed under Article 227 of the Constitution of India against the order dated 05.04.2023 in I.A.No.2 of 2022 in HMOP. No.69 of 2021 on the file of Subordinate Judge, Gudiyatham.

For Petitioner : Mr.J.Kannan

For Respondent : Mr.K.A.Ravindran

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ORDER

This civil revision petition arises against the order dated 05.04.2023 passed in I.A.No.2 of 2022 in H.M.O.P.No.69 of 2021.



C.R.P.No.2748 of 2023

2. There is no dispute in the relationship between the parties.

The petitioner before me is the wife and the respondent is the husband.

3. The respondent husband initiated H.M.O.P.No.69 of 2021 on the file of Subordinate Judge, Gudiyatham seeking for divorce on the ground of cruelty. The petitioner and the respondent entered into matrimony on 17.02.2017 at Sivasakthi Alayam, Vadapalani, Chennai. From the wedlock, a child was also born. According to the civil revision petitioner, she was turned out of the matrimonial house and is unable to maintain herself and her daughter. Though she claims to have Masters degree in Engineering, she would plead that the respondent/husband is earning about Rs.2 lakhs working for Societe Generale Private Limited. She would state that in the circumstances that she has been placed by the respondent/husband, she is entitled to be paid maintenance at the rate of Rs.50,000/- per month pending disposal of the petition.

4. The respondent/husband entered appearance and filed a counter stating that the wife has a Masters in Engineering and she has been harassing him by filing one petition after another. He would



C.R.P.No.2748 of 2023

state that she has filed M.C.No.329 of 2021 before the Family Court at Chennai. He would also point out that he had filed G.O.P.No.180 of 2021 before the District Court at Vellore. He would plead that he is willing to take care of his child and since the petitioner/wife is highly educated, she can maintain herself. He would concede in his counter that he is earning a gross salary of Rs.97,000/- per month, but would state that his net salary is only Rs.60,000/- after deductions. In order to substantiate the same, he has also produced before me the salary certificate issued by the Societe Generale Global Solution Centre Pvt. Ltd. for the period March, 2023.

5. The learned trial Judge did not receive any oral or documentary evidence in the case. On the basis of affidavits, he came to a conclusion that a sum of Rs.5,000/- should be paid for the maintenance of the wife and Rs.3,000/- for the maintenance of the child would serve the interest of justice.

6. Heard Mr.J.Kannan and Mr.K.A.Ravindran for the parties.

7. The principle relating to grant of maintenance is that the wife



C.R.P.No.2748 of 2023

is entitled to be maintained in the same standard that she would have been maintained if she had continued to live in the matrimonial home. This position has been settled in the case of **Bharat Hegde vs. Saroj Hegde**, reported in **(2007) 140 DLT 16**. Applying the principles to the facts of the present case, it is not in dispute that the husband's take home salary is Rs.60,000/- per month. The child and the mother are staying in Chennai. If I were to calculate Rs.3,000/- to the child, it comes hardly to Rs.100/- per day, which is hardly sufficient to have a decent existence. It is certainly not desirable existence to a child born to two highly educated persons, one a B.Tech and the other a Masters in Engineering. I feel that interest of justice would be served if the maintenance granted to the child is increased from Rs.3,000/- to Rs.7,500/-.

8. Similarly, as the husband is earning about Rs.60,000/- per month, I feel that in case if he pays one-third to maintain his wife and child, it would not prejudice him at all. In fact, if they had been living together, he might have parted his one-third of salary for their existence. Therefore, I would increase the maintenance for the wife from Rs.5,000/- to Rs.12,500/-. In all, the respondent/husband will pay to the petitioner/wife and their daughter a sum of Rs.20,000/-



C.R.P.No.2748 of 2023

per month.

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9. In view of the above, the following order is passed:

- a) The wife and the child will be entitled to a sum of Rs.20,000/- per month from the date of filing of HMOP;
- b) The amount of Rs.20,000/- shall be paid on or before 10th of every month;
- c) The arrears of Rs.12,000/- per month, which has been enhanced by this order, shall be cleared within a period of eight weeks from today.

10. At this stage, Mr.Ravindran would submit that the husband is in the box and the wife is dragging on the matter. When a wife has not been paid maintenance, I am able to understand the difficulty she was suffering to travel from Chennai to Gudiyatham in order to contest the proceedings. Once the arrears of maintenance are paid and the husband continues to pay the monthly maintenance of Rs.20,000/- pending the proceedings, the trial Court shall ensure that the proceedings is completed on or before 31.01.2025.

11. The civil revision petition is accordingly allowed on the



C.R.P.No.2748 of 2023

above terms. No costs. Consequently, connected miscellaneous petition is closed.

24.06.2024

Index : Yes/No
Website : Yes/No
Speaking/Non-speaking Order

sra

To

The Subordinate Judge, Gudiyatham.



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C.R.P.No.2748 of 2023

V.Lakshminarayanan, J.

(sra)

C.R.P.No.2748 of 2023

24.06.2024