



CRP No.3493 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2024

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

CRP No.3493 of 2024
and CMP No.18932 of 2024

Velmurugan @ Madhavan

.. Petitioner

-VS-

Manjula

.. Respondent

Prayer: Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 08.04.2024 passed in I.A.No.3 of 2024 in O.P.No.63 of 2023 on the file of Family Court, Karaikal

For Petitioner : Mr.R.Saravanan

* * * * *

ORDER

This civil revision petition challenges the order of the Family Court at Karaikal in I.A.No.3 of 2024 in HMOP.No.63 of 2023 dated 08.04.2024.



CRP No.3493 of 2024

WEB COPY

2. The civil revision petitioner is the husband. The parties got married on 28.10.2012 and from the wedlock, a male child has been born on 11.11.2013. Originally, the wife initiated DVC No.8 of 2017 on the file of Judicial Magistrate Court-II at Karaikal and the husband had presented HMOP.No.26 of 2020 for divorce. On the intervention of the District Legal Services Authority, the matter was referred to Lok Adalat and the parties agreed to resume cohabitation. Accordingly, an award was passed on 11.12.2021 directing withdrawal of DVC No.8 of 2017 as well as HMOP.No.26 of 2020 that had been initiated by the husband for divorce. Soon thereafter, the husband initiated yet another proceedings for divorce in HMOP.No.63 of 2023. This petition invokes Section 13(1)(ia) and Section (1A) (ii) of the Hindu Marriage Act, 1955.

3. On receipt of summons in the divorce petition, the wife filed I.A.No.3 of 2024 claiming interim maintenance of Rs.20,000/- per month as maintenance and Rs.25,000/- as litigation expenses. After receipt of the counter from the civil revision petitioner-husband, the learned Judge came



CRP No.3493 of 2024

to a conclusion that the wife is entitled for maintenance of Rs.7,500/- per month and the son is entitled for maintenance for a like amount and directed the husband to cumulatively pay a sum of Rs.15,000/- per month as maintenance. He denied any benefit to the wife under the head of litigation expenses. Against which, the revision.

4. Heard Mr.R.Saravanan for the civil revision petitioner.

5. Mr.Saravanan would submit that the amount of Rs.7,500/- is excessive on account of the fact that the husband is earning only a sum of Rs.11,572/- per month.

6. I have considered the arguments and gone through the records. The relationship between the parties is not in dispute. From the wedlock, there is also a child who is studying in Mekana International School at Karaikal in Puducherry. A perusal of the certificate that has been enclosed in the typed set of papers would show that yearly school fees alone comes to Rs.24,000/-. Mr.Saravanan would state that this amount is being paid by the



CRP No.3493 of 2024

husband to the school directly. However, a perusal of the order shows that the husband did not avail the opportunity to enter into the witness box in order to mark any documents.

7. An additional point to note is that the civil revision petitioner is working for the Government of Puducherry in its PWD Department. The gross pay of the petitioner, even as per the salary slip, is about a sum of Rs.36,456/-. The deduction is said to be towards the expenses that he had incurred in connection with his mother medical treatment. Though this explanation is given by Mr.Saravanan, even for that purpose, no record has been produced by him before the Court below.

8. The fact remains that the child is aged about 12 years and is undergoing education in a premium institution. As held by the Supreme Court in ***Rajnish vs. Neha, (2021) 2 SCC 324***, it is the sacrosanct duty of the husband to maintain his wife and child. Furthermore, being a revision as against the order of interim maintenance, unless and until the figure is shockingly arbitrary or excessive, the Court should not interfere with the



CRP No.3493 of 2024

said order. The sum of Rs.15,000/- for two living beings and that too in a town of Karaikkal, works out to Rs.500/- per day. I do not think the said amount is excessive or arbitrary. Hence, I am not inclined to interfere with the order.

9. The civil revision petition, accordingly, stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

30.08.2024

Index : Yes/No
Neutral Citation : Yes/No
sra

To

The Family Court, Karaikal



CRP No.3493 of 2024

V.LAKSHMINARAYANAN, J.

(sra)

CRP No.3493 of 2024

30.08.2024