



C.R.P.(PD).No. 3422 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.08.2024

CORAM

THE HONOURABLE Mr. JUSTICE

V.LAKSHMINARAYANAN

C.R.P.(PD).No.3422 of 2024

&

C.M.P. No.18520 of 2024

Suresh

...Petitioner

Vs.

M.Anitha

...Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order dated 16.05.2024 in I.A.No.3 of 2024 in O.P.No.122 of 2023 on the file of the Family Court, Krishnagiri.

For Petitioner : Mr. A.Yogaraj



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ORDER

The husband, who is earning a sum of Rs.1,20,927/- pleads that a sum of Rs.15,000/- as maintenance to his wife and child is excessive, is the civil revision petitioner before this Court.

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

The petitioner married the respondent on 04.07.2017. From the wedlock, a child was born on 20.11.2018. Due to disputes, the parties have separated and the husband has initiated O.P.No.45 of 2023 on the file of the Family Court, Krishnagiri, invoking Section 13 (1) (i - a) of the Hindu Marriage Act, 1955.

3. The wife, on service of summons, took out an application in I.A.No.3 of 2024 seeking for interim maintenance at the rate of Rs.30,000/- per month for herself and their child. This application



was taken out in O.P.No.122 of 2023, which is the petition filed by the wife seeking restitution of conjugal rights.

4. In the said application, notice was ordered to the respondent / civil revision petitioner and he also took notice.

5. The matter was posted on 16.03.2024 for counter. However, the husband did not file his counter and the matter was adjourned. Thereafter, the husband has filed his counter only on 21.03.2024. On 04.04.2024, the wife was able to produce the salary certificate of the husband. She also produced the receipt for child's fees that she has paid for the child's education. Thereafter, the matter was adjourned to 10.04.2024 and 29.04.2024. On none of these dates, the husband thought it fit to file his affidavit of assets and liabilities.

6. Taking into consideration the salary of the husband, the learned Trial Judge ordered a maintenance of a sum of Rs.15,000/- per



month and granted Rs.5,000/- as litigation expenses. Challenging the same, the present civil revision petition.

7. Heard Mr. A.Yogaraj, for the civil revision petitioner.

8. The learned counsel would submit that sufficient time had not been granted for the husband to file his affidavit of assets and liabilities. Therefore, he would request this Court to grant time for the same.

9. It is not in dispute that the salary of the husband is above a sum of Rs.1,00,000/-. It is also not in dispute that the child is going to a school. The mother has borne the expenses for the child and has produced Ex.P.2, School bills of the child, to substantiate the same. Sufficient time has been granted from 21.03.2024 to 29.04.2024 to the husband to file his affidavit of assets and liabilities. However, the



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husband did not do so. The amount that has been granted as maintenance is only about 1/10th of the salary of the husband. I do not find the amount excessive or arbitrary. I see no reason to interfere.

10. Accordingly, the Civil Revision petition is dismissed.

Consequently, the connected civil miscellaneous petition is closed.

No costs.

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Index : Yes/No
Internet : Yes/No
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To

The Family Court,

5/7



Krishnagiri.

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V.LAKSHMINARAYANAN, J.

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