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C.R.P.(PD)No.4082 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **14.10.2024**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.4082 of 2024
and C.M.P.No.22459 of 2024

Thulasimani

.. Petitioner

Vs

A.Valarmathi

.. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to revise the interim maintenance amount from Rs.7,500/- per month to Rs.3,500/- per month as ordered in I.A.No.93 of 2017 in H.M.O.P.No.121 of 2015 by the learned Subordinate Judge at Bhavani, Erode District, on 06.07.2024.

For Petitioner : Mr.Koviramalingam

ORDER

The civil revision petitioner is the father of a minor son. He married the sole respondent on 25.05.2012. From the wedlock, the child was born



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on 20.02.2013. The child is said to be studying in VII standard. On account of the fact that the petitioner and respondent developed differences, they separated. The civil revision petitioner has initiated a proceeding in H.M.O.P.No.121 of 2015 seeking for divorce. Pending the proceeding, the respondent wife took out an application for interim maintenance in I.A.No.93 of 2017. She pleaded that she is unable to maintain the child all by herself and wanted the husband to bear the financial burden at the least. A counter was received in the said application and it was disposed of by the learned Subordinate Judge at Bhavani on 06.07.2024. The learned Judge, by the impugned order, had fixed a sum of Rs.7,500/- per month as maintenance for the minor child. Aggrieved by the same, the husband is on revision.

2. Heard the learned counsel for the petitioner and I have gone through the records.

3. The relationship between the petitioner and the respondent is not in dispute. In fact the marriage between the petitioner and respondent was not one fixed by elders but one of choice. From the wedlock, a child has been born who is now, as pointed out above, studying in VII



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standard. The husband pleads that the wife is earning about Rs.60,000/- per month working as a professor in Kongu Engineering College, Erode. Therefore, she has to share the responsibility of bringing up the child. In addition, the husband pleads that he is paying a sum of Rs.14,083/- as monthly installment, for the loan with HDFC Bank at Marappalayam branch, Erode District.

4. The learned counsel further pleads that the petitioner is taking care of his parents, of whom one is a heart patient and the other has undergone knee transplant surgery. Therefore, he requests this Court to reduce the maintenance from Rs.7,500/- per month as fixed by the trial Court to Rs.3,500/- per month. The Supreme Court has held that, when the relationship between the parties is not in dispute, it is a sacrosanct duty of the husband to maintain his spouse as well as the child born from the wedlock. Unless and until the amount fixed towards interim maintenance is shockingly disproportionate or arbitrary or capricious, this Court should not normally interfere with the same while exercising its revisional powers. This is because the learned trial Judge has the benefit of seeing the parties and assessing their status while fixing the maintenance amount.



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5. The fact that the petitioner is a Pharmacist doing business in the said line is not in dispute. The plea of the petitioner that he has to repay the bank loan and therefore, the liability towards his son should be reduced certainly does not appeal to me. A bank does not get a priority of repayment more than the maintenance of a child. The amount of Rs.7,500/- per month for a child who is studying VII standard in Erode cannot be said to be disproportionate, this especially when the mother is having the custody of the child. Apart from this paltry amount, obviously, the mother is going to be spending her time and effort in bringing up the child. The order passed by the learned Judge especially in paragraph 8 of the impugned order is unassailable and does not require any interference at the hands of this Court.

6. In the light of the above, the Civil Revision Petition is dismissed without any order as to costs. Consequently, connected miscellaneous petition is closed.

14.10.2024

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

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The Subordinate Judge at Bhavani, Erode District.



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V. LAKSHMINARAYANAN,J.

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