



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.09.2024

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THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No. 3624 of 2024

&

C.M.P.No. 19685 of 2024

P.Karthik

...Petitioner

Vs.

1.Bhavani

2.Minor K.Longeshwar

...Respondents

Prayer: Petition filed under Article 227 of the Constitution of India against the order dated 03.10.2023 made in I.A.No.1 of 2022 in H.M.O.P.No.4339 of 2021, on the file of the VII Additional Family Court, Chennai.



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For Petitioner : Mr. A.Gouthaman

For Respondents : No Appearance.

ORDER

The petitioner is working as a NULM worker with the Greater Chennai Corporation. He challenges the order passed by the VII Additional Family Judge, Chennai in I.A.No.1 of 2022, in O.P.No.4339 of 2021.

2. The petitioner married the respondent on 24.08.2020. From the wedlock, a son was born on 05.07.2021. Due to disputes and differences, the parties have separated. Alleging that the wife had not treated him properly, the husband has initiated proceedings for divorce invoking Section 13 (1) (i a) of the Hindu Marriage Act.



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3. On being served with the summons, the wife took out an application seeking interim maintenance for herself and her child.

4. The learned Trial Judge after receipt of the counter from the petitioner / husband had fixed a sum of Rs.12,000/- (*Rs.7,000/- to the wife and Rs.5,000/- to the child*), from 07.11.2022. This was to be paid by 10th of every month. Aggrieved by the same, the present revision.

5. Mr.A.Gouthaman would plead that the husband is working as a contractor labour in NULM and is taking home a sum of Rs.13,144/- as salary. He would produce a bank passbook that the petitioner maintains with the Indian Overseas Bank, Corporation of Chennai Branch, in order to plead that all that he receives is a sum of Rs.13,144/- and that directing him to pay a sum of Rs.12,000/- per month, is excessive. He would therefore plead that the order of the learned Trial Judge requires interference.



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6. I have considered the arguments of the learned counsel for the petitioner and perused the records.

7. There is no dispute that the parties are resident of Chennai City. The husband is employed with the Corporation of Chennai, but he has not produced his salary certificate. The only document he has produced is the bank passbook and the entries made therein. The other attendant benefits and financial benefits that the petitioner has been enjoying has not been brought to the notice of the Court. Since salary certificate and other documents related to the other benefits received by the petitioner has not been produced before this Court, I am not inclined to accept the arguments of Mr.A.Gouthaman.

8. Furthermore, under Section 24 of the Hindu Marriage Act, it is the sacrosanct duty of the husband to maintain the wife. Further, the marriage produced a child and the child is 3 years old. Hence, the



responsibility of the husband only increases. At this stage, Mr. Gouthaman would argue that the mother is a graduate and is capable of earning income. The fact that the mother is capable of earning income does not mean that she is not entitled to maintenance. This position has been settled by the Supreme Court in ***Rajnesh vs Neha and another - AIR 2021 (SC) 569***.

9. Apart from that, a sum of Rs.12,000/- (Rs.7,000 + Rs.5,000/-) for the maintenance of the wife and child in the city of Chennai works out to a sum of Rs.230/- per day and Rs.160/- per day, respectively. This cannot be said to be excessive, arbitrary or capricious.

10. I do not find any reason to interfere with the order passed by the Trial Judge. In the result, the Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

06.09.2024

Index : Yes/No



Internet : Yes/No
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To

The VII Additional Family Court,
Chennai.



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V.LAKSHMINARAYANAN, J.

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