



C.R.P.(PD).No.4191 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.4191 of 2024
and C.M.P.No.23269 of 2024

G.R.Ravi

.. Petitioner

Versus

Indhu @ Loganayagi

.. Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the decretal and fair order, dated 12.07.2024 made in I.A.No.75 of 2021 in H.M.O.P.No.69 of 2020 passed by the learned Subordinate Judge, Panrutti.

For Petitioner : Mr.P.Muthamizhselvakumar

ORDER

This Civil Revision Petition is at the instance of the husband. There is no dispute about the relationship between the petitioner and the respondent.



C.R.P.(PD).No.4191 of 2024

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2. The petitioner and the respondent entered into matrimony on 19.08.1998 at Panrutti. Due to health issues that the parties suffered from, they were not in a position to beget an offspring. This seems to have resulted in their separation sometime in the year 2010. The husband moved the learned Subordinate Judge at Panrutti seeking for divorce in H.M.O.P.No.69 of 2020 invoking the provisions of Section 13(1)(ia) and 13(1)(ib) of the Hindu Marriage Act, 1955.

3. The respondent/wife filed a counter-affidavit and thereafter, took out an application for interim maintenance seeking Rs.15,000/- per month towards rent, household expenses, medical expenses and for transportation, Rs.10,000/- towards interim maintenance and Rs.25,000/- towards litigation expenses. The said application was received as I.A.No.75 of 2021. The learned Judge issued notice to the husband and the husband also filed a detailed counter-affidavit. The wife marked five property documents that stand in the name of her husband and also his salary receipt that she obtained under the Right to Information Act on 03.02.2021. The learned Trial Judge, after hearing the arguments, allowed the application in part holding that the wife will be entitled to Rs.7,500/- per month as interim



C.R.P.(PD).No.4191 of 2024

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maintenance and Rs.20,000/- as litigation expenses. Aggrieved by the same, the husband is on the revision.

4. Mr.P.Muthamizhselvakumar, learned Counsel for the civil revision petitioner.

5. Mr.P.Muthamizhselvakumar argues that Ex.P1 to Ex.P5 are the documents belong to vacant lands and they do not generate any income. He further points out that the respondent/wife, who left the matrimony in the year 2010, did not seek any maintenance from the husband for over 11 years. She had, with a malafide intention, filed an application for maintenance only after the petitioner moved the petition for divorce on the grounds of desertion and cruelty. He adds that the amount of Rs.7,500/- is excessive, arbitrary, capricious and hence, the said amount should be reduced to a reasonable amount. He basis this argument on the ground that the wife is residing in Villupuram and therefore, would not require this amount for her sustenance.



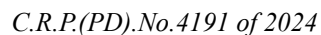
C.R.P.(PD).No.4191 of 2024

WEB COPY

6. I have carefully considered the submissions of Mr.P.Muthamizhselvakumar.

7. A perusal of the order of the Trial Court shows that the petitioner is drawing a sum of Rs.28,246/- per month. This is after he has been provided with House Rent Allowance and Medical Allowance by the Tamil Nadu Civil Supplies Corporation. This document is not disputed by the civil revision petitioner. In fact, he cannot dispute this document as it has been issued by the very institution in which he works. The fact that the wife did not claim maintenance for the period of 10 years, even assuming that the parties separated in the year 2010, is not a bar for her to seek maintenance, when the husband initiates proceedings for divorce. Perhaps, the wife was anxiously anticipating the husband to take her back into the matrimonial home and hence, decided not to precipitate the issue by launching any litigation against the husband.

8. As per Section 24 of the Hindu Marriage Act, 1955, the fact that the wife did not file a Maintenance Petition prior to filing a petition under Section 24, has not been included as a bar by the Parliament. If I were to



9. Insofar as the quantum of the maintenance is concerned, the learned Judge has only fixed around 1/4 th of the net salary that the petitioner receives in his hand. He is receiving Rs.28,246/-, of which, only Rs.7,500/- has been ordered to be paid to the wife. That still leaves in his hand a sum of Rs.21,000/- to be spent on himself. The amount of Rs.7,500/- cannot be said to be unreasonably high, especially, considering the cost of living. The purpose of granting an order of maintenance is in order to ensure that the petitioning spouse is not in a state of animal existence, but, is provided to a reasonable provision pending disposal of the proceedings instituted under the Act.



C.R.P.(PD).No.4191 of 2024

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10. The amount, not being excessive when compared to the salary and the properties held by the civil revision petitioner, I am not inclined to interfere with the order passed by the learned Subordinate Judge, Panrutti in I.A.No.75 of 2021 in H.M.O.P.No.69 of 2020, dated 12.07.2024. This Civil Revision Petition is dismissed. Eight weeks time from today is granted to the civil revision petitioner to clear the arrears. No costs. Consequently, connected miscellaneous petition is closed.

22.10.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

The Subordinate Judge,
Panrutti.



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C.R.P.(PD).No.4191 of 2024

V.LAKSHMINARAYANAN, J.

grs

C.R.P.(PD).No.4191 of 2024
and C.M.P.No.23269 of 2024

22.10.2024