



C.R.P. (PD). No. 3606 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.09.2024

CORAM

THE HONOURABLE Mr. JUSTICE

V.LAKSHMINARAYANAN

C.R.P. (PD). No. 3606 of 2024

&

C.M.P.No.19557 of 2024

A.Senthilkumar

...Petitioner

Vs.

Suriyakala

...Respondent

Prayer: Petition is filed under Article 227 of the Constitution of India against the order dated 02.07.2024 passed in I.A.No.2 of 2022 in H.M.O.P.No.44 of 2022 on the file of the Family Court, Salem.

For Petitioner : Mr. P.Tamilavel



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ORDER

The husband is the civil revision petitioner. He is working as a senior consultant in INFOSYS Limited. He solemnised his wedding with the respondent on 15.05.2013. From the wedlock, a girl was born on 23.07.2015. Due to disputes and differences, the parties have separated.

2. The wife has initiated H.M.O.P.No.44 of 2022 on the file of the Family Court, Salem seeking for restitution of conjugal rights. She would allege that she is only a graduate in computer sciences and is not earning any income in order to sustain herself and the child. Therefore, she sought for interim maintenance from the husband to the tune of Rs.50,000/- per month and Rs.50,000/- towards litigation expenses.

3. The learned Trial Judge ordered notice in the application and



received counter from the husband.

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4. The husband would plead that he has to maintain his sick parents and also that the wife is working as a private teacher earning about Rs.10,000/- per month and apart from that the wife is taking tuition classes and earning a sum of Rs.20,000/- from the said avocation. The learned Judge taking into consideration the status of the husband had fixed a sum of Rs.16,000/- for the wife and the daughter as maintenance. Stating this amount to be excessive, the husband is on revision.

5. I heard Mr.P.Tamilavel.

6. It is not in dispute that the husband is working as a senior consultant in INFOSYS Limited and drawing a handsome salary. Whether the wife is working or not, it is the sacrosanct duty of the



husband to maintain his wife and child. The fact that the wife is capable of earning does not mean that she is dis-entitled to receive maintenance. This position has been clearly settled by the Supreme Court in ***Rajnish vs Neha and another - AIR 2021 (SC) 569.***

7. Furthermore, unless and until the amount that is fixed by the Court is arbitrary, excessive or capricious, this Court should not interfere with the same in exercise of powers of the revision. The amount of Rs.8,000/- per head per month, cannot be said to be excessive. In fact, considering the status of the husband who is working as a senior consultant, I would say that the Court was very charitable to the husband. I am not inclined to interfere with the said order.

8. Accordingly, the Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.



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Index : Yes/No
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To

The Family Court,
Salem.



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