



C.R.P.(PD).No.3637 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.09.2024

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THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.3637 of 2024

&

C.M.P.No.19774 of 2024

S.Arun

...Petitioner

Vs.

S.Swetha

...Respondent

Prayer: Petition filed under Article 227 of the Constitution of India against the order dated 27.06.2024 made in I.A.No.1 of 2022 in O.P.No.1285 of 2022, by the Principal Judge, VII Additional Family Court, Chennai.

For Petitioner : M/s. B.Rathika



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ORDER

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This Civil Revision Petition arises against the order of the Principal Judge, VII Additional Family Court, Chennai, in I.A.No.1 of 2022 in O.P.No.1285 of 2022.

2. O.P.No.1285 of 2022 has been filed by the husband invoking the provisions of Section 13 (i a) (i b) of the Hindu Marriage Act. The petitioner married the respondent on 05.09.2020 at Chennai. The petitioner alleges that within four weeks of the marriage, the respondent deserted him and left to her parents' house. According to the petitioner, the respondent demanded that he should close down his business at Tirupur and shift his work to Chennai.

3. The respondent wife entered appearance and has filed a detailed counter denying the averments made in the petition. Thereafter, she filed a petition seeking interim maintenance in I.A.No.1 of 2022. She would plead that her work as an actor is temporary and unstable with no fixed or stable income. She would state that the civil



revision petitioner is running several businesses by the names, “*Printex India*”, “*Print Process*”, “*Chella Enterprise*”, “*Kavya Textiles*” and “*Sea Breeze*”. Pleading that she is unable to maintain herself, she sought for interim maintenance for a sum of Rs.75,000/- per month and a sum of Rs.1,00,000/- towards litigation expenses.

4. The respondent / husband on entering appearance filed a counter denying liability. He admitted to the fact that he is a partner in Printex India with his father and getting only a sum of Rs.25,000/- per month from the said business. He would state that his wife is earning more than him. Therefore, she does not require any maintenance.

5. Both the petitioner as well as the respondent filed their affidavit of assets and liabilities as required by law.



6. The learned Trial Judge came to the conclusion that the wife is not entitled to Rs.75,000/- as demanded by her and fixed maintenance of Rs.10,000/- per month. Hence, the revision.

7. Heard M/s. B.Rathika for the civil revision petitioner.

8. M/s.B.Rathika would plead that the wife is a Youtube and Social media influencer, apart from being an actor in serials. She states the respondent is making sufficient income and therefore is not entitled to maintenance under Section 24 of the Hindu Marriage Act. She would plead that the husband is earning a sum of Rs.25,000/- from Printex India and that too as the grace of his father and the amount fixed by the Trial Court is excessive.

9. The relationship between the parties is not in dispute. It is also not in dispute that the wife has separated and is residing in Chennai. The wife would plead that her work is acting in serials and uploading videos on Instagram. The very nature of the work shows that the



income is not regular, fixed or stable. It would vary with the level of influence that the wife has on social media. The wife pleads that she is not able to maintain herself with the income she is earning. This plea is sufficient for Section 24 of the Act to provide maintenance to the wife.

10. The husband pleads that the wife is earning more than him. However, he has not let in any evidence or proof before the Trial Court. The husband has not called upon the wife to produce her income tax records or bank statements to substantiate the same.

11. In any event, a sum of Rs.10,000/- per month converts to Rs.300/- per day and that too for a person residing in Chennai, it is a meagre sum. The relief granted by the Trial Court is not excessive, arbitrary or capricious. I do not find any reason to interfere with the said order.



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12. Accordingly, the Civil Revision Petition is dismissed.

Consequently, the connected miscellaneous petition is closed. No costs.

09.09.2024

Index : Yes/No
Internet : Yes/No
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To

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The Principal Judge,
VII Additional Family Court,
Chennai.

V.LAKSHMINARAYANAN, J.



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