



C.R.P. (PD) .No. 3925 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.10.2024

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THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No. 3925 of 2024
&
C.M.P.Nos. 21463 & 20525 of 2024

Arulselvam

...Petitioner

Vs.

G.Savithamary

...Respondent

Prayer: Petition is filed under Article 227 of the Constitution of India against the order dated 15.03.2024 in I.A.No.846 of 2021 in I.D.O.P.No.178 of 2021 on the file of the Family Court, Cuddalore.

For Petitioner : Ms. J.Pooja



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ORDER

This petition is filed at the instance of the husband.

2. The petitioner / husband has invoked the jurisdiction of Section 10 (1) (x) of the Indian Divorce Act, 1869 and presented a petition for divorce before the Family Court, Cuddalore, in I.D.O.P.No.178 of 2021.

3. On being served with the summons, the wife filed an application for interim maintenance in terms of Section 36 of the Indian Divorce Act. She sought for maintenance of Rs.15,000/- per month. The fact remains that the wedlock produced a female child; she is aged about 7 years and she is in the custody of the mother.

4. After receipt of the counter, the learned Trial Judge granted a



sum of Rs.8,000/- for the mother and the child. Aggrieved by the same, the present civil revision petition.

5. Heard Ms.Pooja for the civil revision petitioner.

6. Ms.Pooja submits that the husband is working as a Line Inspector in the services of TANGEDCO and is drawing a monthly salary of Rs.38,960/-. She pleads that Rs.23,789/- goes towards the loan that have been raised by the husband and all that he is getting in his hands is Rs.15,171/-. Therefore, she urges that the payment of Rs.8,000/- per month is excessive.

7. I have carefully considered the arguments of Ms.Pooja and perused the records.

8. A perusal of the impugned order shows that the mother and the child are residing at Nellikuppam in Cuddalore District. The fact that the husband is working in the services of TANGEDCO is also not in



dispute. The husband has not been in a position to explain as to why he is paying Rs.13,800/- every month to the Employee Co-operative Society.

9. Apart from that, the relationship is admitted and the child being at tender age, the amount of Rs.8,000/- per month fixed by the Trial Court for two human beings, that too living in the city of Cuddalore, cannot be said to be excessive.

10. At this stage, Ms.Pooja states that the Trial Court has ordered a sum of Rs.8,000/- to be paid from November 2021. I cannot take exception for the said finding for the simple reason that in ***Rajnesh vs Neha and another - AIR 2021 (SC) 569***, the Supreme Court has held that the wife will be entitled to maintenance from the date of the filing of the divorce petition. If that be the situation, no exception can be taken to the order passed by the Trial Court.

11. The Civil Revision Petition is dismissed. The husband is



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granted 12 weeks time to clear the arrears. The time is granted only for the clearance of the arrear amount. The husband shall pay the monthly maintenance of Rs.8,000/-, without any default. Consequently, the connected miscellaneous petition is closed. No costs.

01.10.2024

Index : Yes/No
Internet : Yes/No
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To

1.The Family Court,
Cuddalore.



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V.LAKSHMINARAYANAN, J.

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