



C.R.P. (PD) .No. 3761 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.09.2024

CORAM

THE HONOURABLE Mr. JUSTICE

V.LAKSHMINARAYANAN

C.R.P. (PD) .No. 3761 of 2024

&

C.M.P.No. 20503 of 2024

S.Ramsankar

...Petitioner

Vs.

Kausalya

...Respondent

Prayer: Petition is filed under Article 227 of the Constitution of India against the order dated 20.06.2024 passed in I.A.No.4 of 2023 in F.C.O.P.No.289 of 2023 on the file of the Family Court, Erode.

For Petitioner : Mr. J.Titus Enock



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ORDER

The Civil Revision Petition is filed at the instance of the husband.

2. There is no dispute in the relationship between the parties. The petitioner married the respondent on 22.11.2017. From the wedlock, there is a 4 year old child who is said to be in the custody of the father. On 20.05.2023 due to disputes and differences, the parties have separated. Thereafter, the husband initiated proceedings in F.C.O.P.No.289 of 2023 on the file of the Family Court, Erode, invoking the provisions of 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 in I.A.No.4 of 2023, seeking interim maintenance. She pleaded that the husband is a Diploma holder and doing business. Apart from that, he is also having agricultural lands in which he is cultivating commercial crops. She specifically points out that the agricultural lands are covered by Lower Bhavani Project. She states that her husband is earning about Rs.50,000/- per month from his business and agricultural lands and sought for Rs.15,000/- as interim maintenance.

4. The respondent / husband filed a counter, wherein he pleaded that his father is suffering from paralysis and his mother is suffering from Diabetes. He further pleads that his son is being educated in PKP Swamy Matriculation School and that he is spending towards the education of the child. Hence, he pleaded that he is not in a position to pay maintenance to the wife.



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5. The learned Trial Judge after receipt of affidavit of assets and liabilities from both the parties went on to allow the application granting a sum of Rs.8,000/- per month as maintenance and Rs.10,000/- as litigation expenses. Hence, the revision.

6. I heard Mr. J.Titus Enock for the civil revision petitioner.

7. Mr. J.Titus Enock states that the petitioner is taking care of his aged parents, who are suffering from various health issues and also taking care of his minor son. Therefore, he states that the amount of Rs.8,000/- per month is excessive.

8. I have carefully considered the arguments of Mr. J.Titus Enock. The relationship between the parties is not disputed. The plea is that since the parents of the wife are well off, she need not be given maintenance by the husband. I would not agree to the said contention since if the husband pleads that he is taking care of his aged parents,



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the same logic applies to the wife's parents also. A girl is given in a marriage by her parents, however wealthy they may be, expecting husband will take care of their daughter.

9. Section 24 of the Hindu Marriage Act demands that if the wife is unable to maintain herself, she is entitled to take out an application seeking maintenance. The fact that the husband is generating income from agricultural lands is not in dispute. Further, it is the sacrosanct duty of the husband to maintain his wife and children. The amount of Rs.8,000/- is not excessive, capricious or arbitrary.

10. In the light of the above discussion, the Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

19.09.2024

Index : Yes/No
Internet : Yes/No



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To

The Family Court,
Erode.



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V.LAKSHMINARAYANAN, J.

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