



C.R.P. (PD) .No. 4245 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.10.2024

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THE HONOURABLE Mr. JUSTICE

V.LAKSHMINARAYANAN

C.R.P.(PD).No. 4245 of 2024

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C.M.P.No. 23616 of 2024

C.J.Lindo

...Petitioner

Vs.

Radhika

...Respondent

Prayer: Petition is filed under Article 227 of the Constitution of India against the order dated 22.03.2024 passed by the II Additional Principal Judge, Family Court, Chennai, in I.A.No.1 of 2023 in O.P.No.3456 of 2022.

For Petitioner : Mrs. V.Alamelu



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ORDER

This Civil Revision Petition arises at the instance of the husband. He married the respondent as per Christian Rites and Customs on 05.09.2019. From the wedlock, a child was born on 26.11.2021. The child is aged about 3 years as on today and is in the custody of the wife. Pleading that the husband did not treat her properly, the wife moved a petition for divorce in I.D.O.P.No.3456 of 2022 on the file of the II Additional Principal Court, Chennai.

2. Pending disposal of the said petition, the wife took out an application for interim maintenance in I.A.No.1 of 2023. She invoked the provisions of Section 37 of the Special Marriage Act. She sought for a monthly maintenance of Rs.20,000/- for herself, Rs.15,000/- for her child and a litigation expenses of Rs.50,000/-. She alleged that



her husband is an Executive - AICT in Globe Link WW India Pvt., Ltd,. He is drawing a sum of Rs.1,00,000/- as a salary. In addition, she alleges that her husband is doing real estate business and is generating an income of Rs.50,000/- per month.

3. Notice was ordered in the said application and the respondent / husband filed a counter.

4. The husband admitted that he is working as an Executive - AICT in Globe Link WW India Pvt., Ltd., but alleged that his monthly salary is only Rs.25,100/-. He added that he has taken loan from various mobile Apps, for the purpose of meeting his expenses and that of the expenses of his mother, who is a breast cancer survivor. He denied the fact that he is doing a real estate business. Therefore, he pleaded for dismissal of the petition.

5. The learned Trial Judge after going through the respective



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pleadings came to the conclusion that the wife is not entitled to the amount of Rs.20,000/- and Rs.15,000/- claimed for herself and her child, but ordered that the wife would be entitled to a sum of Rs.15,000/- and Rs.7,500/- for the child. He also ordered a litigation expenses of Rs.20,000/-. Aggrieved by the same, the husband is on the revision.

6. Mrs. V.Alamelu submits that the income of the husband is only Rs.25,100/- and to call upon him to pay a sum of Rs.22,500/- for his wife and child is excessive. She adds that the husband is taking care of his mother, who is a cancer survivor and require funds for her chemotherapy. She therefore pleads that the amount awarded for the wife and child should be revised and reduced.

7. I have carefully considered the submissions of Mrs. V.Alamelu and have gone through the records.



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8. The principle for the grant of maintenance is that the Court should grant an amount which is on the same extent as the amount that the husband would have to spend if the wife continued to live in the matrimonial home. It depends on the status and stations occupied by the respective parties.

9. The husband has admitted that he is working as an Executive - AICT in Globe Link WW India Pvt., Ltd.,. He urges that his salary is only Rs.25,100/-. What makes me look against the husband is while his salary is Rs.25,100/-, he pleads that he is repaying a loan amount of Rs.30,000/- every month, and that too those availed through mobile Apps. It is beyond ones comprehension as to how when the salary itself is only Rs.25,100/-, the husband is able to repay the loan which is Rs.5,000/- more than what he is receiving as a salary. Either the lender is a person who is not aware about the basics of finance or the husband seems to be a financial wizard capable of repaying more than what he is earning. Therefore, the story projected by the husband



did not cut ice with the learned Trial Judge and it does not cut ice with me as well.

10. The relationship between the parties has been admitted. It is the duty of the husband to maintain the wife and child. Furthermore, the wife has pleaded that her parents are aged and are not in a position to maintain her. At this stage Mrs.V.Alamelu submits that the wife is earning. Unfortunately, for her, no evidence has been let in before the Trial Court to substantiate the same. When there is no evidence, I have to assume that the wife is not able to maintain herself and has sought for the relief under Section 37 of the Special Marriage Act.

11. Apart from all the above, the amount of Rs.22,500/- for the wife and child, who are residing in the city of Chennai, cannot be said to be excessive, arbitrary or capricious.



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12. In the light of the above, I do not find any reason to revise the order passed by the learned Trial Judge. The husband is granted 12 weeks time to clear all the arrears. The husband shall pay the monthly maintenance without default on 5th of every month as directed by the learned Trial Judge.

13. With the above observation, the Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

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Index : Yes/No
Internet : Yes/No
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To

The II Additional Principal Judge,
Chennai.



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V.LAKSHMINARAYANAN, J.

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