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C.R.P.No.3882 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 25.09.2024

CORAM

**THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN**

**C.R.P.No. 3882 of 2024**

**and**

**C.M.P.No.21267 of 2024**

K.Rajagopal

... Petitioner

Vs.

V.N.Vidhya

... Respondent

**PRAYER:** Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the order dated 11.07.2024 in I.A.No.1 of 2022 in O.P.No.3619 of 2022 by the VII Additional Principal Family Court Judge, Chennai.

For Petitioner : Mr.B.Siva Subramanian

**ORDER**

This Civil Revision Petition arises against the order of the learned VII Additional Principal Family Judge, Chennai in I.A.No.1 of 2022 in O.P.No.3619 of 2022 dated 11.07.2024.



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2. O.P.No.3619 of 2022 is filed by the respondent/wife against the petitioner/husband seeking for the relief of divorce invoking Sections 13(1) (i-a) and (i-b) of Hindu Marriage Act, 1955. The petitioner married the respondent on 03.11.2006 at Chennai. A child was born on 15.03.2009. The child is now aged about 14 years. The wife took out an application in I.A.No.1 of 2022 seeking maintenance for herself and for the child. She has sought for a sum of Rs.60,000/- per month as maintenance.

3. It is a case of the wife that she is working as a content writer and is generating a sum of Rs.40,000/- per month. She would plead that she is spending Rs.71,000/- towards school fees, Rs.36,000/- towards transportation of the child and in addition to the expenses towards shelter, food and medicines. She would plead that medical expenses of the child alone comes to about Rs.16,000/-. She pleads with her limited salary of Rs.40,000/-, she is unable to maintain the child, and therefore, she moved the said application.

4. Notice was ordered in the application and the respondent/husband entered appearance. He would plead that he has taken Insurance policy in the name of the child under the name and style of 'Komal Jeevan Child Policy'. He



would plead that when the Insurance Policy matures, he will give the amount to the child, so as to enable the child to have a good higher education. He would plead that since the wife is working, it is up to the wife to maintain the child.

5. The learned trial Judge, on the basis of the pleadings and the affidavit, came to a conclusion that since the wife is earning a sum of Rs.40,000/-, she is not entitled for maintenance. However, taking into consideration that the wife is spending considerable amount towards maintenance of the child, he directed a sum of Rs.25,000/- per month to be paid to the child, apart from the school fees. The said order is under challenge in this Civil Revision Petition.

6. Heard Mr.B.Siva Subramanian, learned counsel for the petitioner.

7. Mr.B.Siva Subramanian would submit that the petitioner/husband was working in 'Tech Mahindra' till 16<sup>th</sup> October 2023. He was laid-off thereafter and he is still searching for an employment. The counsel argues that the order passed by the learned trial Judge is erroneous and it requires interference.



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8. I have carefully considered the arguments of Mr.B.Siva Subramanian.

9. The relationship between the parties is not in dispute. The fact that from their wed-lock, a son was born, is also not in dispute. The fact that the mother is spending considerable amount towards school fees, transportation as well as medical expenses of the child, is also not controverted.

10. The father would plead that he has taken the Insurance Policy for higher education. If the child is not given a good basic education, whatever the money that the father would generate for the higher education, would be of no use.

11. In *Rajnish Vs. Neha and another (2021) 2 SCC 324*, the Supreme Court held that it is a sacrosanct duty on the part of the husband to maintain his wife and child.

12. Considering the wife is earning a sum of Rs.40,000/- per month, the learned trial Judge has not ordered the husband to pay even a single penny



to her. The child is said to be studying in a good institution, for which the wife is spending considerable amounts of money. The fact that wife is spending the amount, had not been controverted in the counter affidavit. Further more, the learned trial Judge had considered the fact that husband is having two flats – immovable properties, from which he is generating income. Hence, the amount that is fixed cannot be considered to be excessive or arbitrary. The husband had been earning a sum of Rs.1,50,000/- per month for several years. The fact that subsequently he has lost his employment, cannot be a consideration when the school demands fees year on year.

13. In the light of the above discussion, I do not find any reason to interfere with the order of the learned trial Judge. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**25.09.2024**

Index : Yes/No  
Speaking order : Yes/No  
NCC : Yes/No  
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To

The VII Additional Principal Family Court Judge,  
Chennai.



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**V.LAKSHMINARAYANAN, J**

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**and**  
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**25.09.2024**