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C.R.P.No.3952 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.3952 of 2024
and
C.M.P.No.21616 of 2024

V.Karthik

..Petitioner

Vs.

Kola Sree Lakshmi Prasanna

..Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the order and decreetal order passed in I.A.No.1 of 2023 in HMOP.No.281 of 2023 dated 31.07.2024, on the file of the IV Additional Principal Family Court, Chennai and allow the revision petition.

For Petitioner : Mr.N.Umapathi
For Respondent : Mr.P.Veera Narayanan



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ORDER

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This Civil Revision Petition arises against the order passed by the learned IV Additional Family Court, Chennai in I.A.No.1 of 2023 in HMOP.No.281 of 2023.

2. The petitioner is the husband. The petitioner married the respondent on 24.10.2021. Due to dispute and difference, the parties have separated. The husband has initiated proceeding for divorce in HMOP.No.281 of 2023. The petitioner / wife took out an application in I.A.No.1 of 2023 seeking for interim maintenance of Rs.30,000/- and litigation expenses of Rs.35,000/-. She pleads that the husband works as Medical Senior Coder in *n* Thrive Global Solutions Private Ltd., at Sholinganallur and he is drawing about Rs.90,000/-. Apart from that, she stated, the husband has two houses one in Chitlapakkam and the other in Pallikaranai and getting a monthly rental income of Rs.15,000/-. She adds that the husband is having agricultural lands in Pokuru Village, Kandhukuru District, Andhra Pradesh and hence she pleads that it is not impossible for the husband to pay Rs.30,000/- per month.



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3. Notice was ordered in the application and the respondent entered appearance. Apart from pleading on the merits of the case, he pleaded that he is working in a private Company and his net salary is Rs.64,605/-. He states that he is paying Rs.20,500/- as EMI towards SBI Home loan and an other amount of Rs.4,200/- as top-up loan and Rs.300/- towards Insurance EMI and Rs.17,245/- towards HDFC personal loan and Rs.15,607/- towards ICIC personal loan. He adds that he is only taking home a sum of Rs.6,753/- as monthly salary. He pleaded that the wife who is working in a private company is drawing a salary of Rs.25,000/- and therefore she is not entitled for maintenance.

4. Before the learned trial Judge both the parties filed their affidavit of assets and liabilities. On a consideration of the pleadings, the learned Judge fixed the monthly maintenance at Rs.20,000/- from 19.10.2023 till the disposal of the H.M.O.P. Aggrieved by the same, the husband is on revision.



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5. I heard Mr.N.Umapathi, learned counsel appearing for the civil revision petitioner and Mr.Veera Narayanan, learned counsel appearing for the respondent/ caveator.

6. A perusal of the records that has been produced before the Court would show that the husband is earning a monthly salary of Rs.80,000/-. Insofar as the loans that is said to have been raised by him, apart from one loan which he had taken on 02.09.2020, the other loans have been taken after the marriage had hit the rocks. The ICICI loan that he refers to commenced on 05.12.2023 and the HDFC loan on 06.10.2022. The petitioner knowing pretty well that the wife has filed an application for maintenance, proceeded further and obtained a loan for Rs.8,00,000/-. Obviously that said loans have been availed so as to reduce his net salary and thereby plead for reduced amount of maintenance. The purpose of filing affidavit of assets and liabilities is for the Court to appreciate the status of the parties and income on the date of filing of the maintenance petition.

7. The civil revision petitioner wanted to be clever by the half. He



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received notice in the maintenance petition and thereafter approached the ICICI Bank to raise a loan. This is a deliberate ploy attempted by the husband, in order to reduce his financial status and on that basis, plead before the Court that the wife is not entitled to the amount that she seeks for.

8. The parties are residents of Chennai and both the petitioner and the respondent are highly educated. Considering the status and station of the parties, the learned Judge has fixed a reasonable amount of Rs.20,000/- per month. He has not granted the relief as prayed for by the wife, but, has chosen to a via media figure of Rs.20,000/-. Unless and until the amount is shockingly arbitrary or capricious this Court should not interfere with the order of interim maintenance by exercising power under under Article 227 of the Constitution of India.

9. In the light of the above discussion, this Civil Revision Petition is **dismissed**. No costs. Consequently, the connected miscellaneous petition



is closed.

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Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

Speaking order / Non-Speaking order



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To

The IV Additional Principal Family Judge,
Chennai.



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V.LAKSHMINARAYANAN,J.

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