



C.R.P. (PD) No.3940 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Civil Revision Petition (PD) No.3940 of 2024
and C.M.P.No.21534 of 2024

Kalidas Deepak

.. Petitioner

Versus

Manjusha

.. Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 07.06.2022 passed by the Additional Principal Judge, Coimbatore, in I.A.No.7 of 2021 in H.M.O.P.No.386 of 2021.

For the Petitioner : Mr.S.Chandrasekar

ORDER

This Civil Revision Petition is at the instance of the husband. The husband is a Mariner. He is working as a Captain in a merchant ship. As per his employment agreement under Ex.R1, his monthly salary in US Dollar is \$10,600.00.



C.R.P. (PD) No.3940 of 2024

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2. He married the respondent – wife on 19.10.2006 at Palakad in Kerala. From the wedlock, a girl child was born on 25.03.2010. The child is aged about 14 years today and studying in BVM Global School, Singanallur, Coimbatore.

3. Due to disputes and differences, the parties have separated and the husband has approached the Family Court, Coimbatore, seeking for divorce in H.M.O.P.No.386 of 2021. The wife entered appearance and has filed a detailed counter. Thereafter, she took out an application in I.A.No.7 of 2021 seeking for interim maintenance. She sought for Rs.1 Lakh as maintenance towards herself and Rs.1 Lakh for the child and further amount of Rs.1 Lakh for litigation expenses.

4. After receipt of the counter, the learned Judge took up the application for disposal. Both the parties have filed their affidavit of assets and liabilities.



C.R.P. (PD) No.3940 of 2024

WEB COPY

5. The relationship between the parties not being disputed, the Court below came to the conclusion that the husband is duty bound to maintain the wife and the child. Insofar as the quantum is concerned, it concluded that the husband be directed to pay a sum of Rs.50,000/- for the wife and Rs.20,000/- for the child. Aggrieved by the same, the husband is on revision.

6. Heard Mr.S.Chandrasekar for the Civil Revision Petitioner.

7. Mr.S.Chandrasekar draws my attention to the order passed by this Court below in C.M.P.No.12905 of 2022 in C.M.A.No.1786 of 2022 dated 12.08.2022 to contend that the husband is paying a sum of Rs.30,000/- per month as maintenance. He pleads that as the husband has taken insurance with M/s Kotak Mahindra Bank, in the name of his daughter and since he is paying the home loans for two properties in Siddhapudur and Nanjundapuram, the quantum of maintenance fixed is excessive.

8. Mr.S.Chandrasekar adds that the wife is a highly educated person and capable of generating income as she is holding Master's degree in



C.R.P. (PD) No.3940 of 2024

Business Administration and another Master's degree in Philosophy.

Therefore, seeking maintenance from the husband who has to pay loans as well as insurance premiums is unreasonable.

9. I have carefully considered the submissions of Mr.S.Chandrasekar and gone through the records.

10. The relationship between the parties is not in dispute. It is the sacrosanct duty of the husband to maintain the wife and the child and it cannot be shrugged off by the Civil Revision Petitioner. I do not find any error in the order of the learned Trial Judge in coming to the conclusion that the husband is duty bound to maintain the wife. This position has been settled by the Supreme Court in ***Rajnesh Vs. Neha and Another*** ((2021) 2 SCC 324) and the learned Trial Judge has simply applied the verdict of the Supreme Court to the facts of the case.

11. In so far as the quantum of maintenance is concerned, from the affidavit of assets and liabilities as well as from the counter affidavit, it is clear



C.R.P. (PD) No.3940 of 2024

that the Civil Revision Petitioner is a Master Mariner. In fact, he is a Captain of a Ship. Even as early as 2022, he was generating a monthly income in \$10,600.00. This approximately converts to Rs.8 Lakhs in Indian currency. The child is studying in a premium institution in Coimbatore. While deciding the quantum of maintenance, the station and status of the party would necessarily have to be looked into. The wife and the child are entitled to receive maintenance at the same measure, as they would have, in case they continued in the matrimonial home. See, *Sita Devi Vs. Vijay Verma*, 2014 (1) RCR (Civil) 1018 and *Raman Bawa Vs. Amit Jain*, C.R.No.8618 of 2014 (O& M) dated 10.12.2015 (High Court of Punjab and Haryana at Chandigarh).

12. When the husband is earning about Rs.8 Lakhs, per month, in all probabilities, he would have been spending a sum more than Rs.70,000/- on the wife and child. In fact, the learned Judge has taken a very conservative view and fixed a sum of Rs.50,000/- pm., for the wife and Rs.20,000/- pm., for the child. Considering the amount of income that has been generated by the husband, the amount fixed by the learned Family Judge cannot be said to be excessive or arbitrary.



C.R.P. (PD) No.3940 of 2024

WEB COPY

13. In so far as the argument that this Court had fixed a sum of Rs.30,000/- in C.M.P.No.12905 of 2022 in C.M.A.No.1786 of 2022 dated 12.08.2022, I have to remember, it is only an interim order, whereas, I am testing the order of the learned Family Judge, on merits. An interim order is passed in order to maintain status quo, pending the appeal. The said order would not be binding on this Court at the time of final disposal.

14. I do not find that the amount is excessive. The learned Judge has taken into consideration all the relevant facts. He has noted that the insurance premium and agreement that has been entered by the Civil Revision Petitioner with the M/s Kotak Mahindra Insurance was **after** the wife had filed an application for maintenance. It is clear that the husband has taken a huge amount in insurance only for the purpose of reducing the amount that is available in his hands and thereby plead for reduction of maintenance. In fine, the amount not being excessive or arbitrary, I am not inclined to interfere with the order in revision. Accordingly, this Civil Revision Petition stands



C.R.P. (PD) No.3940 of 2024

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dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

14.10.2024

Index : Yes / No
Internet: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No

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To
The Additional Principal Judge, Coimbatore.



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C.R.P. (PD) No.3940 of 2024

V.LAKSHMINARAYANAN, J.,

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Civil Revision Petition (PD) No.3940 of 2024

14.10.2024