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C.R.P.No.3888 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE P. DHANABAL

C.R.P.No.3888 of 2022

N.Menagha

... Petitioner

vs.

R.G.Nhaveenraj

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, against the Fair and Final order dated 21.10.2019 in I.A.No.18 of 2019 in H.M.O.P.No.22 of 2018 on the file of the Sub Court, Avinashi.

For Petitioner : Mr.D.Balachandran

For Respondent : Mr.V.Sairam

ORDER

This Civil Revision Petition has been filed by the petitioner, challenging the order, dated 21.10.2019 passed in I.A.No.18 of 2019 in H.M.O.P.No.22 of 2018, by the Sub-Court, Avinashi, wherein, the petitioner herein has filed a



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petition before the Trial Court for maintenance under Section 24 of Hindu Marriage Act. In the said petition, the Trial Court has awarded a sum of Rs.3000/- per month towards maintenance and also directed to pay the litigation expenses.

2. Aggrieved by the said order, the present Civil Revision Petition has been filed.

3. The case of the petitioner is that she is the wife of the Respondent and their marriage was solemnized on 24.05.2002 at Coimbatore. Due to wedlock she gave birth of two female children namely Akshitha and Ramithashree. Thereafter, due to some misunderstanding both are residing separately and the petitioner filed a petition for restitution of conjugal rights and the same is pending. The respondent also filed a petition for seeking divorce with false allegations. The petitioner is unable to maintain herself and her aged father. The respondent not even allowed the petitioner to see her children. The respondent earning sum of Rs.5,00,000/- per month and his properties are worth about 100 crores. Therefore, the petitioner is seeking maintenance for a sum of Rs.1,50,000/- per month.



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4. The case of the Respondent is that the allegations raised in the petition against the Respondent are false and frivolous and the petition is liable to be dismissed in limini. The petitioner is the wife of the Respondent, due to wedlock, the petitioner gave birth of two female children. The two female children are under the custody of the respondent. The petitioner is hailing from rich family and her brothers are Advocates and her father is running multi specialty hospital in Salem. The petitioner without any reason wantonly left the matrimonial home by leaving their two female children. The Respondent is taking care of his two female children and also the Respondent is a Heart Patient. Therefore, this Civil Revision Petition is liable to be dismissed.

5. Before the trial Court no evidence adduced by either parties. The trial Court after hearing both side, partly allowed the petition and directed the Respondent to pay a sum of Rs.3000/- per month towards maintenance to the petitioner. Aggrieved by the said order, the present Civil Revision Petition has been filed for enhancing the maintenance amount.



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6. The learned Counsel for the petitioner would contend that the petitioner is the wife of the Respondent and he neglected the petitioner and he failed to maintain her. The respondent is having properties worth about more than 100 crores and he is earning Rs.5,00,000/- per month. The petitioner claim maintenance amount for a sum of Rs.1,50,000/- per month. But the trial Court, only awarded amount of Rs.3,000/- The said amount is too meager and not sufficient to meet her expenses and thereby maintenance amount has to be enhanced. Therefore, she filed this present Civil Revision Petition.

7. The learned Counsel appearing for the Respondent would contend that the petitioner had voluntarily left the matrimonial home by leaving her two female children and now she is with her parents, her father is a Doctor who is running a multi speciality hospital in Salem and her brothers are Advocates and thereby the petitioner is having source of income. However, the Trial Court awarded a sum of Rs.3,000/- per month. The Respondent is taking care of the children and he is a heart patient, however, he has not filed any appeal as against the order of the Trial Court by ordering to pay Rs.3,000/- for maintenance. Therefore, the present Civil Revision Petition is liable to be



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dismissed.

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8. This Court heard both sides and perused the records.

9. In this case there is no dispute about the relationship between the petitioner and the Respondent. It is admitted fact that due to wedlock two female children born to them. Now, both the children are under custody of the Respondent. While so, the petitioner filed a petition before the Trial Court for maintenance and the trial Court after considering the facts and circumstances of the case, awarded a sum Rs.3,000/- per month for maintenance towards the petitioner. The petitioner has not produced any documents to prove that the the respondent is earning more than Rs.5,00,000/- per month and his property worth about 100 crore. Therefore, the Trial Court after elaborate discussion correctly awarded a sum of Rs.3,000/- per month towards maintenance. The respondent is now taking care of the two female children and thereby the maintenance amount fixed by the Trial Court is reasonable one.



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10. Therefore, this Court cannot find any infirmity or perversity in the order passed by the Trial court and does not warrant any interference. Hence, there is no merits in the present Civil Revision Petition. Therefore, this Civil Revision Petition is liable to be dismissed. Accordingly, this Civil Revision Petition is dismissed. No costs.

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Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To:

1.The Sub Court, Avinashi.

2.The Section Officer,
V.R.Section,
High Court of Madras.



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P. DHANABAL, J.

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