



CRP.4865/2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED 02.12.2024

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THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

**CRP.No.4865 of 2024 &
CMP.No.27237 of 2024**

S. Hari Prasath .. Petitioner

Vs

E. Swetha .. Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 15.04.2024 passed in I.A.No.2 of 2021 in O.P.No.2688 of 2021 on the file of the VI Additional Family Court at Chennai.

For Petitioner : Mr. V.Sundar Raman

ORDER

This Civil Revision Petition arises against the order of the learned VI Additional Family Court, Chennai in I.A.No.2 of 2021 in O.P.No.2681 of 2021 dated 15.05.2024.



CRP.4865/2024

WEB COPY

2. The Civil Revision Petitioner is the husband. The respondent is the wife. They solemnised their wedding on 25.08.2019. From the wedlock, a child was born on 12.10.2020. The civil revision petitioner is an Engineer, so is the respondent/wife. The petitioner is an Aeronautical Engineer and a Post Graduate in Business Administration. The wife is a B.E., (ECE) Engineering Graduate. At the time of wedding, the civil revision petitioner was working as a Deputy Manager with Kotak Mahindra Bank.

3. On account of the disputes and differences, the parties were separated. The wife has initiated O.P.No.2688 of 2021 seeking for divorce on the ground of cruelty. The respondent entered appearance and has also filed his counter. He has, in turn, moved a counter claim seeking for divorce on the very same ground.

4. Pending litigation, the wife filed an application seeking for interim maintenance. She alleged that the husband is having several properties in Chennai as well as in Thirunelveli and in Thiruvallur. She



CRP.4865/2024

pointed out that he has let out his property at Puzhuthivakkam and is generating a monthly income of Rs.20,000/-. She pleaded that she is earning a sum of Rs.25,000/- and after deduction, she gets Rs.18,000/- per month. She asserted that the respondent is not paying a single paisa towards maintenance of the child and that from her income of Rs.25,000/-, she is unable to maintain herself and child. She sought for Rs.75000/- per month and Rs.50,000/- towards litigation expenses.

5. The husband filed a counter pleading that he has taken personal loans from the ICICI Bank and is servicing the loan through EMIs. He admitted that he has started an event management business along with his friends and that he is managing small projects like birthday parties etc. He accepted his liability to take care of the child, but pleaded that some amount may be directed to be paid. He accepted that the wife is working in a private consultancy firm and is earning Rs.25,000/- per month. He accepted that he was working as a Deputy Manager in the Bank. He pleaded that he left that job and joined an other job with Premium Insurance Company as a Relationship Manager. He also denied that he has started a new concern in the name and style of 'India Super



CRP.4865/2024

Globe' and he has been organizing events such as Dance Shows and other programmers as event organizer of the above said company. On this ground, he sought for dismissal of the petition.

6. Both the parties did not enter the witness box and depose evidence. During the course of the proceedings, the husband reported that he was working as Deputy Manager in the Bank and as a Relationship Manager in Insurance Company and as on today, he is working as an Office Assistant in a private company namely M/s.VKB Infra and Projects and generating Rs.15,000/- per month.

7. The learned trial Judge, on the basis of affidavit and counter, came to a conclusion that as the wife is earning, she is not entitled to maintenance. He ordered Rs.15,000/- per month, for the child's maintenance towards clothing, shelter, educational and other extra curricular activities and connected expenses. Hence the revision is at the instance of the husband.

8. Mr.M.Sundarrajan urged that the husband is only working as



CRP.4865/2024

an Office Assistant and therefore called upon Rs.15,000/- per month to the child is onerous. He states that after the Pandemic caused by Covid-19 virus, no functions are being organised by the Civil Revision Petitioner. He states that the Civil Revision Petitioner saw the child when he was 21 days old and thereafter the wife has prevented him from seeing the child. As the amount is excessive, he seeks for revision of the said order.

9. I have carefully considered the submissions of Mr.V.Sundarraman.

10. The petitioner and the respondent are seeking for divorce. The wife, by way of filing HMOP.No.2688 of 2021 and the husband, by way of counter claim. In the said proceedings wife and husband are alleging cruelty as against each other. The point remains that there is a child born to the couple on 12.10.2020. The child is aged about 4 years today. On account of the fact that the wife is working in a private concern, the court has not granted her any maintenance. However, the trial court has noted that while the husband pleaded that he is working



CRP.4865/2024

as an Office Assistant, no records has been produced before the court to substantiate the plea.

11. While the husband has pleaded that his firm is a small one, he has not produced any records to show as to how much income he is generating from the Event Management Business. Therefore, following the rule of Thumb, the learned trial Judge has fixed a sum of Rs.15,000/- per month to maintain the child. The court has to go on the basis of the available records before it. It has seen the current cost of living under fixed amount which is neither excessive, nor inordinate.

12. It is the duty of the father to maintain the child. Had the child lived along with his parents as a single unit, it would have been the father, as a primary financial giver, to take care of the expenses of the child. It had obviously been more the paltry sum of Rs.15,000/- fixed by the Court. I do not find any reason to interfere with the order of the trial court, as the amount is neither arbitrary, nor excessive.



CRP.4865/2024

WEB COPY

13. The Civil Revision Petition is dismissed. No costs.

Consequently, the connected miscellaneous petition is closed.

02.12.2024

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Index: yes/no

Internet:yes/no

To

The II Addl. Judge, Family Court,
Chennai



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CRP.4865/2024

V. LAKSHMINARAYANAN, J.

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CRP.4865/2024