



C.R.P.(PD).No.4798 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

CORAM

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.4798 of 2024

and

C.M.P.No.26856 of 2024

Mr.Dilip

... Petitioner

..Vs..

Smt.Mamta Jain

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 04.03.2024 made in I.A.No.2 of 2023 in O.P.No.1186 of 2021 on the file of the Additional Principal Family Court, Coimbatore and to allow the Civil Revision Petition.

For Petitioner : Mr.M.Vetrivel

ORDER



C.R.P.(PD).No.4798 of 2024

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This Civil Revision Petition arises against the order of the learned Additional Principal Family Judge at Coimbatore in I.A.No.2 of 2023 in H.M.O.P.No.1186 of 2021 dated 04.03.2024.

2. The civil revision petitioner is the husband. He married the respondent on 16.11.2016 at Coimbatore. Due to disputes and differences the parties have separated.

3. Charging that the husband has deserted her and subjected her to cruelty, the respondent/wife has initiated H.M.O.P.No.1186 of 2021. She also filed an application for interim maintenance invoking Section 24 of the Hindu Marriage Act, 1955. She wanted Rs.50,000/- per month towards interim maintenance. She pleaded that the husband is having a gold jewellery business and he is generating several lakhs of rupees as income. She stated that she is unable to maintain herself and therefore, wanted the aforesaid sum as interim maintenance.

4. Notice was served on the respondent. He also filed a counter. He



C.R.P.(PD).No.4798 of 2024

pleaded that, he works along with his father in a gold jewellery business. He alleged despite taking several steps to reunite with his wife, she had been resisting the same. He pleaded that he is getting a monthly sum of Rs.50,000/- and he is maintaining his aged parents. Apart from that, he added, he has expenses in the form of payment of EMIs to the tune of Rs.50,000/-, medical insurance for Rs.15,000/- and life insurance for Rs.45,000/-. On these grounds he pleaded that the Maintenance Petition deserves dismissal.

5. The learned Trial Judge, came to a conclusion that a sum of Rs.20,000/- would be reasonable for the wife to maintain herself and accordingly, ordered the petition.

6. Aggrieved by the same, the husband is on revision.

7. I heard Mr.M.Vetrivel for the civil revision petitioner.

8. Mr.M.Vetrivel states that the husband is only an employee and does



C.R.P.(PD).No.4798 of 2024

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not have any other income. With this limited income, he has to take care of his expenses as well as that of his aged parents. Therefore, the amount of Rs.20,000/- is excessive. He points out that the husband had not only expressed his desire to live with his wife but had also filed the petition for restitution of conjugal rights. He further points out that the wife is capable of maintaining herself, and therefore granting of maintenance to the wife is untenable.

9. I have carefully considered the submissions of Mr.M.Vetrivel.

10. The affidavit of assets states that the civil revision petitioner is working as a salesman with one Gyanchand Chopda. A careful perusal of the record shows that this Gyanchand Chopda is none else than the petitioner's father. The petitioner's father is doing business in gold and other precious metals. Though, the wife has made an assertion that the husband is producing Tamil Movies, she has not produced any records to substantiate the said plea. The point remains the husband is doing wholesale and retail business in Jewellery. The wife is entitled to be maintained on the same



C.R.P.(PD).No.4798 of 2024

WEB COPY

status, as she would have been maintained, if she continued to live in her matrimonial home.

11. The affidavit of assets and liabilities itself in the present case seems to be a very fanciful one. The petitioner pleads that he is earning only Rs.50,000/- as monthly salary from his father but he has urged that his EMI itself is coming about Rs.50,000/-. Truly, the husband is a financial wizard to spend more than what he is earning. In any event, the sum of Rs.20,000/- for a woman, who is residing in Coimbatore, and that too, having the status of the jeweller's wife cannot be said to be excessive or arbitrary. In fact, the learned Family Judge has taken a conservative view and has fixed the aforesaid amount.

12. In the light of the above discussion, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition stands closed.



C.R.P.(PD).No.4798 of 2024

03.12.2024

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Index : Yes

Internet : Yes

Neutral Citation Case: Yes/No

To

1. The Additional Principal Family Judge,
Coimbatore.

V.LAKSHMINARAYANAN, J.

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C.R.P.(PD).No.4798 of 2024

C.R.P.(PD).No.4798 of 2024

03.12.2024