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C.R.P.(PD)No.4527 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.4527 of 2024
and CMP No.25235 of 2024

Paul Anand Loourd

.... petitioner

VS

Nancy Padma Ruby

.... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the impugned order dated 12.08.2024 passed by the VII Additional Principal Family Court (FAC), Chennai in I.A.No.2 of 2019 in O.P.No.1250 of 2019.

For Petitioner : Mr.K.Bommuraj

ORDER

The civil revision petition arises against the order of the learned VII Additional Principal Family Court (FAC), Chennai in I.A.No.2 of 2019 in



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O.P.No.1250 of 2019 dated 12.08.2024.

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2. The civil revision petitioner is the husband and the respondent is wife. They solemnized their wedding on 23.01.2011 at Vellore District. From the wedlock, two children were born and they are in the custody of the civil revision petitioner. Alleging that the wife did not discharge her matrimonial duties, the husband invoked Section 10(1)(ix) and 10(1)(x) of the Indian Divorce Act, 1869 and presented O.P.No.1250/2019, on the file of Family Court.

3. Pending the proceedings, the wife took out an application for maintenance. She pleaded that she is not in a position to maintain herself and she is spending a sum of Rs.20,000/- towards her health alone. Therefore, she wanted the Court to grant an interim maintenance of Rs.30,000/-per month.

4. The husband filed counter denying the allegations and had also laid out several allegations against her. I am not going into the same as they are



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not necessary for disposal of this revision. The husband pleaded that the wife is a Teacher and is earning sufficiently and therefore, no maintenance need to be ordered. He also argued that the wife has initiated Domestic Violence Case proceedings against him. He conceded that he is working as Manager in a reputed private bank at Chennai and he is earning Rs.92,500/-per month.

5. Taking into consideration the affidavit and counter, the learned Trial Judge came to a conclusion that a sum of Rs.7,500/-per month should be paid as an interim maintenance by the civil revision petitioner to the respondent/wife. Aggrieved by the same, the present revision by the husband.

6. Heard Mr.K.Bommuraj for the civil revision petitioner.

7. Mr.K.Bommuraj took me through the allegations that have been made by the revision petitioner/husband as against wife. He alleges that the wife is having relationship outside the fold of marriage and that she never cared about her children and has maniacal tendencies and therefore, the



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lower court erred in awarding maintenance.

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8. I have carefully considered the submissions of Mr.K.Bommuraj.

9. The relationship between the parties is not in dispute. The Court is yet to grant divorce to the civil revision petitioner. The purpose of interim maintenance is to enable the wife is to survive the litigation. In case, no interim maintenance is ordered and if the wife were to succeed in getting the petition of the husband dismissed, then it only be a pyrrhic victory. The husband is earning a sum of Rs.92,500/-per month. Normally, a wife is entitled to $\frac{1}{4}$ th of the salary of the husband. The learned Judge taking into consideration that the children are with the husband, has fixed an extremely conservative figure of Rs.7,500/-per month. This cannot be said to be excessive or arbitrary.

10. Therefore, I am not inclined to interfere with the order passed by the learned VII Additional Principal Judge, VII Additional Principal Family Court (FAC), Chennai in I.A.No.2 of 2019 in O.P.No.1250 of 2019 dated



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12.08.2024. The Civil Revision Petition is dismissed.

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11. The civil revision petitioner/husband is granted eight weeks time to clear the arrears. No costs. Consequently, connected miscellaneous petition is closed.

12.11.2024

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

To

The VII Additional Principal Family Court (FAC), Chennai



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V. LAKSHMINARAYANAN,J.

SR

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