



CRP No.4337 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2024

CORAM:

THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

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K.Ramesh

... Petitioner

Vs

1.Mrs.Charumathy

2.Ms.Nikshitha

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair order and decreetal order dated 08.08.2024 made in I.A.No.2 of 2023 in H.M.O.P.No.1218 of 2023 on the file of I Additional Family Court, Chennai.

For Petitioner : Mr.T.Ramachandran

ORDER

This Civil Revision Petition arises against the order of the learned I Additional Principal Judge, I Additional Family Court, Chennai in I.A.No.2 of 2023 in HMOP No.1218 of 2023.

2. The civil revision petitioner is the husband. O.P.No.1218 of 2023 was



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presented by the wife, seeking for divorce on the grounds of cruelty. The respondent/wife married the petitioner on 02.07.2014 at Chennai. From the wedlock, a female child was born on 25.04.2016 and she is in the care and custody of the respondent. Pleading that the husband inflicted physical as well as mental cruelty, she has presented the petition for divorce. The respondent/husband filed a detailed counter denying the averments made in the petition.

3. Pending the litigation, the wife took out an application in I.A.No.2 of 2023, seeking for interim maintenance for Rs.40,000/- per month for herself and her minor child and Rs.25,000/- towards litigation expenses.

4. The husband filed counter pleading that he was originally working in Zebrionics India Pvt Ltd as Senior Quality Analyst Engineer, but subsequently, he resigned from the job and today, he is working as a Food Delivery Agent for Swiggy. The respondent also pleaded that the petitioner is working in Maersk GSC India Pvt Ltd at Kanthanchavadi and is generating an income of Rs.45,000/-per month with a salary hike of 20% every year.



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5. The learned Judge, on consideration of the petition and counter, did not grant the relief as sought for by the wife, but had ordered Rs.25,000/- to both the wife and the minor daughter. Aggrieved by the same, the present Civil Revision Petition.

6. When the matter came up for admission on 28.10.2024, the learned counsel for the petitioner sought time to produce the records to substantiate the plea that the wife was earning. Yet again, on 30.10.2024, a request for adjournment was made for the very same purpose. Learned counsel for the petitioner has been kind enough to produce the affidavit of assets and liabilities filed by both the parties as well as exchange of e-mails between the petitioner and the alleged employer of the respondent/wife.

7. I have heard Mr.T.Ramachandran for the civil revision petitioner and have gone through the records produced by him as well as the impugned order.

8. The relationship between the parties is not in dispute. The petitioner is the husband of the first respondent and the father of the minor child, who is the second respondent. Here, I have to refer to the decision of ***Rajnesh vs Neha and another*** 2021 2 SCC 324. The Supreme Court held it is the



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sacrosanct duty of the petitioner/husband to maintain wife and child. In this case, the claim of maintenance is sought to be defeated by the husband on two grounds. First, he is working as Food Delivery Agent for Swiggy and secondly, the wife is employed in Maersk GSC India Pvt Ltd.

9. Insofar as the first plea that the revision petitioner is working as Food Delivery Agent for Swiggy is concerned, absolutely, no evidence has been produced by him. There is no record to substantiate the plea that a Senior Quality Analyst Engineer in Zebrionics India Pvt Ltd today has been reduced to the level of Food Delivery Agent. The petitioner has not troubled himself from producing the records from Swiggy to show that he is presently employed there. Therefore, I am not in a position to accept the plea that has been raised by the petitioner.

10. Insofar as the second plea of the wife being employed is concerned, I have granted time to Mr.T.Ramachandran to produce records to substantiate the plea. All that is available before the Court is an e-mail, said to have been sent by the petitioner to one Charumathy Chandrasekaran at Maersk. The e-mails produced before me do not show anywhere that the respondent is employed by Maersk GSC India Pvt Ltd.



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11. On the contrary, I have an affidavit filed by the first respondent stating that she is unemployed and currently residing with her parents at MMDA Colony in Chennai. It is always open to the husband to produce some records before the Court to show that the plea of wife is erroneous or misleading. An exchange of e-mails, which has pointed out above, does not indicate positively that the wife is employed, cannot be relied on in the light of positive assertion made by the first respondent.

12. In any event, the trial Court has taken into consideration the status and education of the parties and has granted Rs.12,500/- for the wife and Rs.12,500/- for the minor child, who is said to be studying in the prestigious Mohamed Sathak Matriculation High Secondary School at Chennai. The wife is also a resident of Chennai. By following the rule of thumb, the learned trial Judge has come to the conclusion that Rs.25000/- would be reasonably enough for the family to sustain themselves. The petitioner is an Engineer and a Management Graduate.

13. Therefore, taking into consideration the status of the parties, educational background and the status in which they occupy in the society, I



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V.LAKSHMINARAYANAN,J.,

sr

do not find that the amount of Rs.12,500/- per month for per person as excessive.

14. Therefore, I do not find any infirmity or illegality in the order passed by the learned I Additional Principal Judge, I Additional Family Court, Chennai in I.A.No.2 of 2023 in HMOP No.1218 of 2023. The Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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

To
The I Additional Family Court, Chennai

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