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C.R.P.(PD)No.4896 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.4896 of 2024
and C.M.P.No.27469 of 2024

A.Sugumar

.. Petitioner

Vs

V.Mohanapriya

.. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decretal order dated 22.07.2024 made in I.A.No.29 of 2024 in H.M.O.P.No.77 of 2023 on the file of the Principal Subordinate Court at Kallakurichi.

For Petitioner : Ms.R.Poornima

ORDER

This civil revision petition challenges the order passed by the learned Principal Subordinate Judge at Kallakurichi in I.A.No.29 of 2024 in H.M.O.P.No.77 of 2023 dated 22.07.2024.



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2. The civil revision petitioner has presented H.M.O.P.No.77 of 2023 seeking for divorce. Summons was served on the wife and she took out an application in I.A.No.29 of 2024 for interim maintenance of Rs.20,000/- per month for herself and her child under Section 24 of the Hindu Marriage Act.

3. She pleaded that the husband is drawing around Rs.55,000/- per month as a Health Inspector in the Government of Tamil Nadu. The wife pleaded that she is not able to take care of herself and her child and therefore, sought for interim maintenance of Rs.20,000/- per month.

4. The husband filed a counter denying his liability. He pleaded that he is taking care of his parents and his monthly income is Rs.35,117/- . He also pleaded that he is desirous of staying with his wife and child and it is the wife who is residing separately. Therefore, the husband sought for dismissal of the petition.

5. The learned Trial Judge, on the basis of the affidavit and counter filed by the respective parties, came to the conclusion that the wife will be entitled to maintenance of Rs.10,000/- per month and granted



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Rs.2,500/- per month for the child.

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6. Challenging the same, the husband has come forward with the present revision.

7. I heard Ms.R.Poornima for the civil revision petitioner.

8. Ms.R.Poornima pleads that it is the wife who has been residing separately, despite several offers made by the civil revision petitioner to take care of his wife and child. In addition, she pleads that her client has expenses towards rent as well as medical expenses for his aged parents. Therefore, she pleads that the order requires to be revised.

9. A perusal of the pay slip of the petitioner shows that he is receiving a gross salary of Rs.40,352/-. Post deductions, he is getting a sum of Rs.35,117/- as net pay.

10. The plea, whether the respondent is residing separately on account of her mistake or otherwise is irrelevant of consideration at the time of dealing with an application under Section 24 of the Hindu Marriage Act. The purpose of Section 24 is to enable the wife and child to survive the litigation and not be pushed into vagrancy. The relationship



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between the parties is admitted. The birth of the child is also admitted. In fact, the learned Judge has taken a very conservative view and has fixed only Rs.12,500/- for both the mother and child.

11. Apart from this, for the fact that the husband is taking care of his parents, it does not mean to abandon his wife and child. Taking care of one's parents is not mutually exclusive, when it comes to the needs of one's own family. I do not find any reason to interfere with the order of the learned Principal Subordinate Judge at Kallakurichi dated 22.07.2024 in I.A.No.29 of 2024 in H.M.O.P.No.77 of 2023.

12. With the above observations, the civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

03.12.2024

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

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To



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The Principal Subordinate Judge at Kallakurichi.

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V. LAKSHMINARAYANAN,J.

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