



C.R.P.No.3448 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 29..08..2024

Coram

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Civil Revision Petition No.3448 of 2024

N.R.Jayanth

..... Petitioner

-Versus-

N.Deepa

..... Respondent

Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and final order dated 06.02.2023 made in I.A.No.1 of 2022 in H.M.O.P.No.527 of 2019 on the file of the Principal Judge, Principal Family Court, Coimbatore, by allowing the Civil revision Petition.

*For Petitioner : Mr.Arun Ambedkar
for MrR.Prabakar*

ORDER

This civil revision petition is at the instance of the husband.

2. The civil revision petitioner filed H.M.O.P.No.527 of 2019 seeking for divorce on the ground of cruelty. There is no dispute that the parties were married on 30.03.2015 and due to dispute and differences, they got separated.

The wife has already initiated a proceeding for maintenance in M.C.No.37 of



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2020 and the case is pending enquiry.

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3. In the mean time, she has taken out an application in I.A.No. 1 of 2022 seeking for interim maintenance. She sought for a sum of Rs.40,000/- per month for her maintenance. She would plead that her husband is a qualified Engineer who has Post Graduate in Management. She would allege that her husband possessed 15 Acres of land in Lakkampatti and Veerapandi village in Gobichettipalayam. Apart from that, her husband is having more than 40 cattle from which is he is making around a sum of Rs.30,000/- per month. The respondent/wife would also allege that civil revision petitioner/husband earns money by buying and selling in shares to the tune of Rs.30,000/- at an average per month. The civil revision petitioner/husband is also a money lender from which business he earns around a sum of Rs.20,000/- per month. The respondent/wife would further plead that over all, the civil revision petitioner/husband earns a sum of Rs.1,20,000/- per month.

4. The civil revision petitioner/husband filed a counter stating that he is working as an agriculturist who at the time of marriage was running a meat shop. He would plead that he does not own any dairy farm nor does he possess any cows. But, he would admit that he is having agricultural lands.



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5. Pending enquiry of interim maintenance application, the respondent/wife filed her affidavit of assets and liabilities. But, the civil revision petitioner/husband did not do so.

6. The learned Principal Judge taking into consideration the pleadings of either party, came to a conclusion that the civil revision petitioner/husband is working in a private Software Company and had burked the production of his salary certificate from the court. Hence, considering the cost of living and economic status of the parties, etc., the learned Principal Judge fixed a sum of Rs.8,000/- p.m. (Rupees Eight Thousand only) to be paid as interim maintenance. Challenging the same, the present revision.

7. Mr.Arun Ambedkar for the civil revision petitioner would reiterate the arguments that had been addressed in the court below.

8. In addition, Mr.Arun Ambedkar would submit that the petitioner is only an agriculturist and not working in any Software Company.

9. In the case of **Rajesh v. Neha [AIR 2021 SC 569]**, the Supreme Court has held that it is the sacrosanct duty of the husband to maintain his wife in the same status as in case she lived in the matrimonial home. The learned Principal Judge has rendered a finding on fact that the civil revision petitioner used to work in Software Company. The learned Judge has also taken note of the fact



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that the civil revision petitioner/husband has not filed his affidavit of assets and liabilities as required by the direction of the Supreme Court. The civil revision petitioner/husband had kept away from the witness box and did not let in any evidence to prove that he is not making money as alleged by the respondent/wife. Be that as it may, the court has only fixed a sum of Rs.8,000/- (Rupees Eight Thousand only) which cannot be said to be excessive or capricious. The respondent/wife will have to survive the litigation which has been launched by her husband. The sum of Rs.8,000/- (Rupees Eight Thousand only) not being excessive, I am not inclined to interfere with the order of the learned Principal Judge dated 06.02.203 in I.A.No.1 of 2022 in H.M.O.P.No.527 of 2019.

In the result, the civil revision petition is dismissed. No costs.

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
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To

1.The Principal Judge, Principal Family Court, Coimbatore.



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V.LAKSHMINARAYANAN.J.,

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