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C.R.P.No.5074 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2024

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THE HONOURABLE MR.JUSTICE **V. LAKSHMINARAYANAN**

C.R.P.No.5074 of 2024
and
C.M.P.No.28422 of 2024

Palanisamy

.. Petitioner

VS

Anusiya Devi

.. Respondent

Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 24.06.2024 passed in I.A.No.2 of 2024 in O.P.No.96 of 2023 on the file of Family Court at Tiruppur.

For Petitioner : Mr.K.Myilsamy

ORDER

The Civil Revision Petition challenges the order of the Family Court at Tiruppur.

2. The revision petitioner is the husband. He solemnised the wedding with the respondent on 24.10.2008. From the wedlock, two



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female children were born and they are said to be in the custody of the civil revision petitioner.

3. The respondent wife has also presented a petition seeking for guardianship of the children before the Family Court at Tiruppur. The husband has launched H.M.O.P.No.96 of 2023 seeking for divorce.

4. On being served with the summons, the respondent/wife took out an application in I.A.No.2 of 2024 seeking interim maintenance of Rs.20,000/- per month. The learned Trial Judge issued notice in the application and received counter from the respondent.

5. After an analysis of the affidavit and counter, he came to a conclusion that the husband is earning a sum of Rs.11,154/- and ordered an interim maintenance of Rs.4,000/- per month to the wife. Challenging the same, the present civil revision petition is filed.

6. Mr.K.Myilsamy argues that the amount of Rs.4,000/- is excessive and has to be revised. He pleads that the wife is a



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working woman, and therefore, the order granting of maintenance should not have been passed. He further states that the affidavit of assets and liabilities has not been filed either by the wife or the husband and therefore the Trial Court erred in granting maintenance.

7. I have carefully considered the submissions of Mr.K.Myilsamy.

8. The marriage between the civil revision petitioner and the respondent is not in dispute. The liability of the husband to maintain the wife arises immediately when the wife separates from the husband. Under Section 24 of the Hindu Marriage Act, the wife need not be without any employment for the purpose of seeking a right of maintenance. All that the section requires is that the wife does not generate enough income to maintain herself. In any event, in the facts of this case, the husband has not proved that the wife is earning sufficiently to maintain herself.

9. Though the wife has claimed Rs.20,000/- per month as maintenance, the Court considering the fact that the husband is



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earning about Rs.12,000/- per month has ordered only 1/3rd of the income to be paid to his wife. The sum of Rs.4,000/- cannot be considered to be excessive or arbitrary, especially since the parties are living in the modern town of Tiruppur. This amount would prevent the wife from falling to vagrancy. It will not enable her to have a luxurious life style.

10. I do not find any reason to interfere with the order dated 24.06.2024 passed by the Family Court, Tiruppur in I.A.No.2 of 2024 in O.P.No.96 of 2023. Accordingly, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

18.12.2024

Index:Yes/No
Neutral Citation:Yes/No
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To

The Family Court,
Tiruppur.



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V. LAKSHMINARAYANAN,J.

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