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C.R.P.(PD).No. 136 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.03.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD).No. 136 of 2025

&

C.M.P.No. 1058 of 2025

Gomathi

...Petitioner

Vs.

Jayavignesh

...Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order dated 18.11.2024 made in IA.No.5 of 2023 in HMOP.No.517 of 2021 on the file of the Family Court, Salem.



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For Petitioner : Mr. R.Prabakar

For Respondent : Mr. V.Rajesh

ORDER

Challenging the order passed in IA.No.5 of 2023 in HMOP.No.517 of 2021 in and by which the respondent / wife's application for grant of interim maintenance has been dismissed, she is before this Court. The brief facts are as follows.

2. The respondent / husband had filed HMOP.No.517 of 2021, on the file of the Family Court, Salem, seeking dissolution of marriage solemnised between him and the petitioner herein on 14.12.2018. The respondent would submit that the petitioner herein came from a rich and highly influential family, whereas the petitioner's family were middle class family with good name in society. The marriage had been fixed through a marriage broker.



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3. The respondent would submit that right from the marriage function the petitioner's parents were intent on maintaining status and for which purpose they had insisted upon the respondent's parents providing jewels, silk sarees, ornamental plates, etc., despite the fact that the respondent's family had not asked for it. The respondent would submit that he was humiliated at every turn added to which the petitioner was demanding that the respondent spend more time with her and she was unable to appreciate the work schedule of the respondent.

4. The respondent would submit that the petitioner's family members had behaved very haughtily and rudely to his parents and relatives even on the day of marriage. In short the respondent has set out various incidents to show how he has been treated cruelly by the petitioner.

5. The petitioner had filed a very detailed counter to the above OP and had also filed an application under Section 24 of the Hindu Marriage Act seeking an interim maintenance of Rs.30,000/-.



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6. The respondent husband would contend that the petitioner does not require the said amount as she was B.E (EEE) graduate and that she was working in highly reputed IT company. She had huge savings at her disposal. That apart, she has apartments worth several crores standing to her name.

7. The respondent would further submit that the petitioner has come to Court suppressing several facts including the fact that she is sufficiently well off. She is also enjoying the rental income from her properties. The respondent / husband denied the contention that he was earning a monthly salary of Rs.2,00,000/-. He would submit that the petitioner did not require to be maintained.

8. The learned Family Judge, Salem on considering the evidence submitted by both the parties including affidavit of assets and liability held that the petitioner has not let in any evidence to prove her contention that the respondent was earning a sum of Rs.2,00,000/- per



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9. That apart, the Court had observed the false statement that had been made in the affidavit of assets. The learned Judge observed that the petitioner's monthly income was a sum of Rs.1,18,490/-. This statement has not been refuted by the petitioner. In the CIBIL list various loan that have been taken by the petitioner has been set out and it is seen that she holds joint account in respect of 8 loan accounts in respect of immovable properties, 7 of which exceeded 1 Crore rupees. The learned Judge has therefore, rejected the request as the petitioner was capable of maintaining herself.

10. Challenging the same the petitioner is before this court.

11. Heard the learned counsels and perused the records.

12. The learned counsel for the petitioner would contend that the learned Judge has solely relied upon CIBIL rating to come to the



conclusion that the petitioner is financially well settled is absolutely wrong. The learned judge has not looked into any other evidence.

Admittedly the respondent is employed and is duty bound to maintain his wife in keeping with their status. However, she has only asked for monthly maintenance of Rs.30,000/-.

13. Per contra, the learned counsel for the respondent would submit that the very nature of the loans which has been set out in the order impugned clearly shows all of these are investments standing in the name of the petitioner and jointly in her name and in the name of her father (as stated by the counsel for the respondent). Most of the properties are immovable and it is clear that the petitioner is also earning rental income from these properties.

14. Once it is proved that the petitioner is capable of maintaining herself and is more self sufficient than the other spouse she is not entitled to maintenance. The Court below has rightly rejected the request. Accordingly, the civil revision petition is dismissed.



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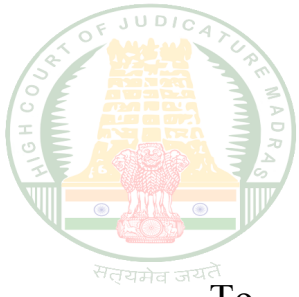
Consequently, the connected miscellaneous petition is closed. No costs.

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Index : Yes/No
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To
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The Family Court,
Salem.



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P.T. ASHA, J,

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