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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.573 of 2025

& CMP.No.3260 of 2025

K.Hari Prasanth

... Petitioner

Vs.

M.Vanitha Shree

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the decreetal order in I.A.No.5 of 2024 in O.P.No.77 of 2024 dated 12.11.2024 on the file of the Family Court, Krishnagiri.

For Petitioner : Mr.S.Esakkimuthu

For Respondent : Mr.V.Nicholas

ORDER

The petitioner/husband, who was the the respondent in I.A.No.5 of 2024, aggrieved by the order of the Family Court, Krishnagiri, dated 12.11.2024, directing payment of a sum of Rs.5,000/- as interim



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maintenance to the respondent/wife and litigation expenses of Rs.7,500/-, is before this Court by way of the present revision.

2.Heard the learned counsel for the parties.

3.The learned counsel for the petitioner/husband would state that the specific case of the petitioner was that the respondent is gainfully employed in Infosys, a Multinational Company and the respondent had chosen to suppress her income even in the affidavit in support of the petition for interim maintenance. However, he would state that there is a clear admission with regard to her employment with Infosys in the counter filed in O.P.No.77 of 2024. The learned counsel for the petitioner would take me through the said averments made where the respondent has categorically admitted that she is employed with Infosys.

4.While so, the learned counsel for the respondent states that the Family Court has ordered only a sum of Rs.5,000/- as interim maintenance and there is absolutely no infirmity or error in the said order passed by the Family Court.

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WEB COPY 5.I have carefully considered the submissions advanced by the learned counsel on either side.

6.On going through the application in I.A.No.5 of 2024, I find that the respondent/wife has stated in paragraph No.6 of the said affidavit that she is residing with her parents, without any support and income and that her parents also do not have enough income to look after her and therefore, the respondent has been constrained to take out the application for interim maintenance.

7.The respondent sought for interim maintenance of Rs.50,000/- per month and a sum of Rs.25,000/- towards litigation expenses. Though the said application was strongly resisted by the petitioner/husband, the Family Court, Krishnagiri, has proceeded to order an interim maintenance of Rs.5,000/- and litigation expenses of Rs.7,500/-. The Family Court ought to have seen that the respondent has admitted her employment with Infosys and the respondent has not come forward to even file her affidavit of assets and liabilities. Therefore, the Family Court ought to have drawn adverse inference against the respondent/wife.



WEB COPY 8. Section 24 of the Hindu Marriage Act is extracted hereunder, for easy reference:

“Section 24. Maintenance pendente lite and expenses of proceedings.

Where in any proceeding under this Act it appears to the court that either the wife or the husband, as the case may be, has no independent income sufficient for her or his support and the necessary expenses of the proceeding, it may, on the application of the wife or the husband, order the respondent to pay the petitioner the expenses of the proceeding, and monthly during the proceeding such sum as, having regard to the petitioners own income and the income of the respondent, it may seem to the court to be reasonable.

[Provided that the application for the payment of the expenses of the proceeding and such monthly sum during the proceeding, shall, as far as possible, be disposed of within sixty days from the date of service of notice on the wife or the husband, as the case may be]”

9. The very object of ordering interim maintenance is to ensure that the wife has a decent living and more or less on the same lines, on which the husband leads his lifestyle. However, in the present case, the respondent has suppressed the factum of her employment with a reputed Company, namely Infosys and has also not filed her affidavit of assets and liabilities.



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Therefore, the Family Court ought not to have entertained the application for interim maintenance. Therefore, I am inclined to set aside the order passed by the Family Court, Krishnagiri.

10. In fine, the Civil Revision Petition is partly allowed and the order dated 12.11.2024 in I.A.No.5 of 2024 in O.P.No.77 of 2024 on the file of the Family Court, Krishnagiri, in so far as litigation costs of Rs.7,500/- is confirmed and the interim maintenance of Rs.5,000/- awarded to the respondent/wife is set aside. The litigation expenses of Rs.7,500/- shall be paid, within a period of 30 days from the date of receipt of a copy of this order. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

24.06.2025

Speaking/Non-speaking : Yes/No
Index : Yes / No
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To
The Family Court, Krishnagiri.



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P.B. BALAJI,J.

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