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C.R.P.(PD).No. 402 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.02.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD).No. 402 of 2025

&

C.M.P.No. 2490 of 2025

J.Jegan

...Petitioner

Vs.

P.Yogeswari

...Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order dated 18.11.2024 passed in memo in IA.No.1 of 2020 in OP.No.2534 of 2019 on the file of the IV Additional Principal Family Court, Chennai.

For Petitioner : Ms. S.Viji



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ORDER

The husband who is the petitioner before the Principal Family Court, Chennai, in HMOP.No.2534 of 2019 is the revision petitioner before this Court challenging the rejection of his memo stating that only a sum of Rs.3,46,000/- remains payable towards arrears of maintenance.

2. The petitioner / husband filed HMOP for restitution of conjugal rights. Pending the petition, the respondent / wife filed IA.No.1 of 2020 seeking interim maintenance of Rs.50,000/- per month. The learned Judge by his order dated 24.01.2024 granted a sum of Rs.40,000/- per month from the date of filing of the petition.

3. Thereafter, the husband had filed a memo inter alia contending that the arrears of maintenance that is payable was only Rs.3,46,000/-. The memo that was filed was a calculation memo. In the said memo the husband would submit that the total amount payable till August



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2024 was a sum of Rs.22,00,000/-. The husband would submit that he had paid a sum of Rs.15,04,000/- to the wife, from December 2012 till June 2018. Thereafter, from 01.10.2022 till 01.07.2024 a balance of Rs.3,50,000/- was paid. In all a sum of Rs.18,54,000/- was paid and the arrears was a sum of Rs.3,46,000/-.

4. This memo of calculation was disputed and objected to by the respondent / wife. She would submit that a sum of Rs.40,000/- fell due from 28.01.2020. She would submit that total arrears from the date of application till September 2020 for 56 months amounts to a sum of Rs.22,40,000/-. Out of this amount only a sum of Rs.2,50,000/- was paid. Therefore, unpaid arrears amount was a sum of Rs.19,19,000/-.

5. The learned Judge on hearing the arguments and on going through the orders held that as on September 2024 a sum of Rs.22,40,000/- was payable by the husband to the wife. The wife had stated that she has received a sum of Rs.7,00,000/- from out of Rs.22,40,000/-. The husband paid a sum of Rs.3,50,000/- towards



arrears of interim maintenance and Rs.2,50,000/- towards children education. Ultimately, the learned Judge held that the husband is liable to pay a sum of Rs.15,40,000/-.

6. Challenging the same, the petitioner / husband is before this Court.

7. The only ground upon which the petitioner / husband would challenge the order is that between the period December 2012 to June 2018, he had paid a sum of Rs.15,04,000/-. This contention of the husband cannot be accepted for the reason that the order in I.A.No.1 of 2020 had been passed on 24.01.2024, wherein the learned Judge had clearly stated that the husband is liable to pay Rs.40,000/- to the two children from the date of the filing of the petition till the disposal of the OP. The date of the filing of the petition is 28.01.2020. Therefore, any amount paid prior to 28.01.2020 cannot be set off towards the amount that are due and payable pursuant to the order.



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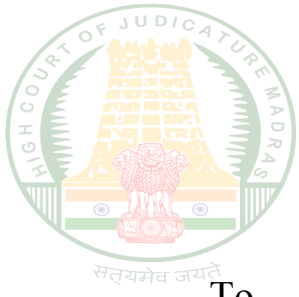
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8. The order passed by the IV Additional Judge, Principal Family Court, Chennai, does not suffer from any infirmity and consequently the Civil Revision Petition is dismissed. The connected miscellaneous petition is closed. No costs.

12.02.2025

Index : Yes/No
Internet : Yes/No

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To
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The IV Additional Judge,
Principal Family Court,
Chennai.



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P.T. ASHA, J,

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