



Crp.No.559 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.02.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P.No.559 of 2025

C.M.P.No.3192 of 2025

N.Mohankumar

...Petitioner

Vs.

S.Kalaranjani

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, pleaded to set aside the fair and decretal Order dated 17.04.2024 made in I.A.No.1 of 2022 in H.M.O.P.No.1818 of 2021 on the file of the Learned Additional Principal Judge, Additional Family Court, Coimbatore and to allow the above CRP and thus render justice.

For Petitioner : Mr.M.N.Balakrishnan

ORDER

The husband is the revision petitioner before this Court challenging the grant of sum of Rs.7500/- as maintenance to the respondent wife.



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2.The facts of the case is set out herein below:-

The revision petitioner herein had filed H.M.O.P.No.1818 of 2021 on the file of the learned Additional Principal Family Judge, Coimbatore, seeking a divorce. In the said H.M.O.P the respondent wife has filed I.A.No.1 of 2024 under Section 24 of the Hindi Marriage Act, seeking the monthly maintenance of a sum of Rs.20,000/- as an interim measure. She has submitted that though she is an Engineering graduate and a certified Acupuncture practitioner she is at present unemployed and not able to maintain herself and entirely depending on her parents and living at Neyveli. The respondent was subject to ill treatment at matrimonial home which compelled her to return to her parental home. The husband who had promised to come and take her back after convincing his parents had failed to do so. On the contrary he has rushed to file the petition for divorce. She would submit that revision petitioner herein is employed with the ABT Coimbatore in HR department earning a sum of Rs.50,000/- per month and receiving rental income of Rs.20,000/-.

3.The revision petitioner had filed a counter denying the averments made in the application and contended that on account of the petitioner's attitude of giving a false complaints at his workplace he had lost his employment and he would



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contend that the respondent is earning over a sum of Rs.20,000/- per month from her clinic and her father is employed with Neyveli Lignite Corporation and earning a sum of Rs.1,20,000/- per month. That apart, the respondent's parents own house at Kuniyamuthur and Kovaiputhur which are let out on rent and fetches a monthly rental of Rs.30,000/-. The respondent being the only daughter she did not require any maintenance from the revision petitioner.

4.Both the parties have not let in any evidence to show their income. However, as stated supra the respondent would state that though she was practising Accupunture, the same had been disrupted owing to the restrictions imposed by the parents of the revision petitioner. The revision petitioner has failed to prove the fact that the respondent herein is running a clinic and earning well. In the assets and liabilities statement furnished by the revision petitioner it is shown that he earns a monthly income of Rs.25,500/-. He is stated to have loans to the tune of Rs.9,00,000/- and has hand loan of Rs.4,00,000/- as jewel loan. However, no document has been produced to substantiate the same. The learned Judge ultimately taking into consideration over the situation of the parties had proceeded to pass an award of Rs.7500/- , which is challenged by the petitioner.



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5. Heard the learned counsel appearing for the petitioner and perused the records.

6. The revision petitioner husband admittedly has not paid any maintenance to the wife after they have gone separate and the H.M.O.P. is pending since 2021. He has not been able to establish the fact that the wife is having a steady monthly income. The revision petitioner is living in Neyveli. Even according to the revision petitioner, she has to come to Coimbatore as the proceedings are before the Family Court, Coimbatore. That apart, the respondent needs money for her day to day expenses. The revision petitioner as a husband is bound to maintain the wife. The learned Judge, Family Court has awarded just a sum of Rs.7500/-. The revision petitioner has not made out any case to set aside/modify the order passed by the learned Additional Principal Judge, Additional Family Court, Coimbatore. Therefore, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non Speaking Order

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To

The Additional Principal Judge,
Additional Family Court, Coimbatore .



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P.T.ASHA, J.,

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