



WEB COPY

CRP.No.2105 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2025

**CORAM
THE HONOURABLE MR. JUSTICE P.B.BALAJI**

**CRP.No.2105 of 2025
and
CMP.No.12267 of 2025**

V.Bharanidaran
S/o.Mr.Vilvanathan

... Petitioner

Vs.

V.Annapoorani
D/o.Mr.Vijayakumar

... Respondent

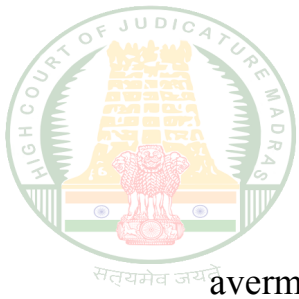
Civil Revision Petition filed under Article 227 of the Constitution of India as against the order and decretal order in I.A.No.1 of 2022 in H.M.O.P.No.1464 of 2021 dated 07.06.2023 passed by the I Additional Family Court at Chennai.

For Petitioner : Mr.S.Nambi Arooran

For Respondents : Mr.V.Subramani

ORDER

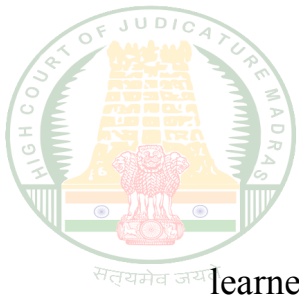
The husband, who is aggrieved by the order of interim maintenance awarded by the I Additional Family Court, Chennai, is before this Court challenging the award of Rs.10,000/- per month.



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2. Learned Counsel for the petitioner drawing my attention to the averments stated in the affidavit, which was also duly acknowledged by the learned Judge in the impugned order, noticing that the petitioner was without job and income, contended that, despite taking note of the said position, the learned Family Court has proceeded to award a sum of Rs.10,000/- as interim maintenance. According to the petitioner, he is not able to sustain himself, since he lost his job and is depending on rental income from the property belonging to his father and therefore, he is not in a position to pay maintenance to his wife. Learned Counsel would further state that even before the Family Court, a sum of Rs.1,75,000/- has been paid, which is almost 50% of the arrears of maintenance at the rate awarded by the Family Court. He would therefore seek for modification of the order of the interim maintenance to a sum of Rs.5,000/-p.m.

3. *Per contra*, the learned Counsel for the respondent / wife would state that all these arguments were put forth even before the Family Court and the learned Family Court taking into account various factors and circumstances and has awarded a reasonable sum of Rs.10,000/- p.m. as interim maintenance, which does not require interference under Article 227 of the Constitution of India.

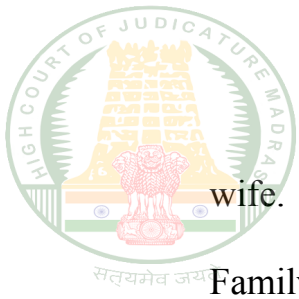


4. I have carefully considered the arguments advanced by the learned Counsel on either side.

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5. It is the specific case of the husband that, though he was employed, he lost his job and presently, he is having no source of income and for his basic subsistence, he depends on the rental income that accrues from the property that belongs to his father and therefore, the petitioner assails the award of Rs.10,000/- towards interim maintenance. The Family Court has taken into account, the said factum of the husband having no job and no income and also after going through the affidavit of assets and liabilities and bank statement filed by the husband, has come to a conclusion that the petitioner having earned a sum of Rs.60,000/- and that he is also getting substantial rental income, has proceeded to fix a sum of Rs.10,000/- p.m. as interim maintenance.

6. I do not see any infirmity or perversity in the finding arrived by the Family Court, which is based on evidence. The Family Court has also rightly held that even though the petitioner / husband may not have a job and income, his earning capacity is always there and he is bound to maintain his



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wife. I am unable to find any infirmity in the well considered order of the Family Court, in this regard. In view of the above, I do not see any merit in the application, seeking reduction / modification of the interim order of maintenance. However, considering that the petitioner does not have any income as on date, I am inclined to grant twelve weeks time to settle the balance arrears payable as directed by the Family Court and the petitioner shall continue to pay a sum of Rs.10,000/- per month, as monthly interim maintenance amount, on or before 10th of every English Calendar month.

In the result, this Civil Revision Petition stands dismissed. No costs.

Consequently, connected MP is closed.

14.07.2025

Index: Yes/No
Website:yes/no
Speaking Order/Non-Speaking Order
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To
The I Additional Family Court, Chennai.



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P.B.BALAJI, J.

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