



C.R.P.No.795 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P.No.795 of 2025
C.M.P.No.4651 of 2025

K.Rajesh ...Petitioner
Vs
S.Sandhiya ...Respondent

PRAYER:- Civil Revision Petition is filed under Article 227 of the Constitution of India, pleaded to set aside the Fair order and Decree dated 19.11.2024 passed in I.A.No.2 of 2024 in H.M.O.P. No.1786 of 2023 on the file of Learned III Additional Principal Family Court Judge, Chennai.

For Petitioner : Mr.R.Bhagawat Krishna
For Respondent : Mr.A.Veda

ORDER

Challenging the order passed by the III Additional Principal Judge, Family Court, Chennai in I.A.No.2 of 2024 in H.M.O.P.No.1786 of 2023, the petitioner husband is before this Court.

2.I.A.No.2 of 2024 was filed by the respondent wife seeking a monthly maintenance of Rs.30,000/- from the date of petition. She would contend that the marriage between herself and the petitioner was



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solemnised on 09.02.2017 as per Hindu rites and customs and within a few days of the marriage, when the petitioner had wanted to start his business she had handed over her 20 sovereigns of gold jewellery to provide him with the capital. Their son Roshan was born to them on 11.07.2019. During the first week of January 2022, it was diagnosed that the petitioner's son was suffering from Epileptic attacks. Through this period she did not received emotional support from the petitioner. The respondent wife would also contend that she had been subject to physical abuse at the hands of the petitioner. The respondent wife would submit that since the petitioner had turned his back to them she had no other option except to return to her parental home. The petitioner has not cared to give any maintenance or financial support to her. For all her needs she is depending on her parents. Her son is now studying in LKG at Hindu Senior Secondary School and the fees is to the tune of Rs.48,300/-. The petitioner owns a construction company and earns over a sum of Rs.2,00,000/- per month.

3.The petitioner has filed a counter refuting the allegations and contending that the respondent wife had not allowed him to treat his son. He would come forward with a contention that he is a daily labourer,



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whereas the respondent wife is working in a private company earning a handsome income.

4.The learned III Additional Principal Judge, after considering the evidence and the bank statement of petitioner and also the bank statement of his construction company passed an order granting a monthly maintenance of Rs.5000/- to the respondent wife and Rs.15,000/- to the son from the date of petition till the disposal of the H.MO.P. This order is challenged by the petitioner. Initially this Court had passed an interim order as follows:-

3.There shall be an order of interim stay on condition that the petitioner shall pay a sum of Rs.10,000/- towards maintenance to both the respondent as well as the minor child as an interim measure. The arrears at the above rate from the date of filing of Interlocutory Application shall also be remitted. The arrear amount shall be paid before the next date of hearing. The petitioner shall ensure that before the 5th of every English calender month the interim maintenance amount now directed is paid to the respondent without fail. In case, the deposit of arrears is not made on or before 26.03.2025, the stay shall be automatically vacated.

5.This order has been complied with. Today M/s.A.Veda, learned



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counsel had entered appearance on behalf of the respondent and she has filed documents that were filed before the Family Court. A mere perusal of the individual bank statements as well as the bank statement of the company clearly discloses that petitioner is carrying on business. His business card also indicates that he is doing construction business. Therefore, his contention that he is a daily wager is absolutely false and made only for the purpose of avoiding payment of maintenance to his wife and child. The child is suffering from Epileptic attacks as is evident from his medical details. A perusal of the bank statement would also indicate that after filing of this application for maintenance the petitioner husband appears to have kept the balance in his bank account at the minimum. This is apparently to pull wool over the eyes of this Court. Be that as it may, considering the fact that he is doing business and construction that is doing extremely well, the amount of interim maintenance granted by the Court below appears to be in order and I see no reason to modify the same. Accordingly, Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No



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Speaking Order/Non Speaking Order
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To

The III Additional Principal Family Court, Chennai.



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