



CRP.No.1313 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Order reserved on : 18.07.2025

Order pronounced on : 08.08.2025

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THE HON'BLE MR. JUSTICE P.B.BALAJI

CRP.No.1313 of 2025

R.Asokan

..Petitioner

Vs.

A.Latha

..Respondent

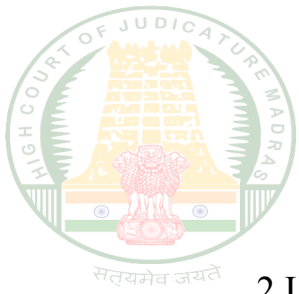
Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order passed in I.A.No.4 of 2021 in OP.No.1423 of 2016 dated 23.09.2022 on the file of the I Additional Family Court, Chennai.

For Petitioner : Mrs.Raj Genevive Veena

For Respondent : Mr.R.Meenakshi Sundaram

ORDER

The petitioner/husband, aggrieved by the order in I.A.No.4 of 2021 in OP.No.1423 of 2016, fixing an interim maintenance of Rs.50,000/- for the respondent/wife, has come forward with the present revision petition.



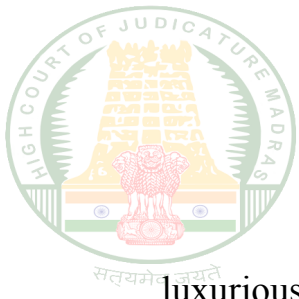
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2.I have heard Mrs.Raj Genevive Veena, learned counsel for the petitioner and Mr.R.Meenakshi Sundaram, learned counsel for the respondent.

3.Mrs.Raj Genevive Veena, learned counsel for the petitioner would state that the petitioner was in the habit of paying Rs.20,000/- every month, for meeting the household expenses and also to take care of the daughter's expenses separately. She would further state that after lapse of two years, the petitioner started paying Rs.40,000/-, doubling the initial amount of Rs.20,000/- and also taking care of the needs of the family, including the daughter. It is also the case of the petitioner that only taking into account the inflation in the economy, the petitioner agreed to pay Rs.40,000/-. The learned counsel for the petitioner would further state that the petitioner is getting a take home salary of less than Rs.1,00,000/- and the petitioner is also servicing a housing loan.

4.The learned counsel for the petitioner would further contend that the house in which the respondent resides is also belonging to the petitioner and the very object of an order for maintenance under Section 24 of the Hindu Marriage Act is only to ensure the comfortable living of the wife, with all basic necessities. She would therefore contend that the respondent cannot seek a



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luxurious life, by claiming an arbitrary sum towards interim maintenance. She would also refer to the decision of the High Court of Madhya Pradesh in *Mamta Vs. Rajesh*, reported in 2000 SCC Online MP 580, where the learned Judge of the Madhya Pradesh High Court has held that an application under Section 24 of the Hindu Marriage Act is only to ensure that when the wife who has no independent income of her own, she should be granted *pendente lite* alimony to support and meet necessary expenses of the proceedings. The learned counsel for the petitioner would also place reliance on the decision of the Hon'ble Supreme Court in *Rajesh Vs. Neha*, reported in 2020 SCC Online SC 903, where the Honble Supreme Court referring to Section 24 of the Hindu Marriage Act, held that the purpose of awarding maintenance *pendente lite* and litigation expenses is to support the applicant who does not have any independent income it would be sufficient for his/her supporting during the pendency of the *lis*. She would therefore pray for the revision being allowed.

5.Per contra, Mr.R.Meenakshi Sundaram, learned counsel for the respondent would state that the Family Court has rightly ordered a sum of Rs.50,000/- rejecting the claims of the respondent. He would further state that even the amount of Rs.40,000/- that was being paid voluntarily by the



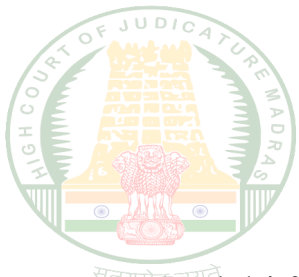
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petitioner has been stopped and therefore, he would state that considering the economic status of the petitioner/husband, who is working in Customs and earning roughly around Rs.1.25 lakhs, he is bound to maintain his wife, namely the respondent herein and therefore, no interference is warranted under Article 227 of Constitution of India. He would therefore pray for dismissal of the revision.

6.I have carefully considered the submissions advanced by the learned counsel on either side. I have also gone through the order of the Family Court.

7.It is also brought to my notice that several other applications have been taken out by the respondent/wife and same are pending final adjudication before the Family Court. The parties do not dispute their marital status. It is also not disputed that the petitioner is employed in the Customs Department. From the statement of his bank, it is seen that the petitioner has been drawing a salary of more than Rs.1.10 lakhs. On few occasions, he receives more than a lakh, for example from January to March 2024, there is a credit of Rs.1,17,986/- and Rs.1,18,087/-, from April to June 2024, there is a credit of

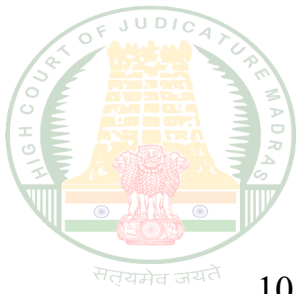


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Rs.1,14,051/- and Rs.1,14,051/- and Rs.1,15,569/- and Rs.1,13,367/- and from July 2024, there is a credit of Rs.1,83,000/- and Rs.1,65,000/-.

8. Therefore, the contention of the petitioner that the respondent gets only a take home salary of approximately Rs.95,000/- is clearly incorrect. The amount credited to the petitioner's account is admittedly approximately Rs.1.15 lakhs, if not more every month. In fact, the Family Court has factored the payment of college admission fees for the daughter and the petitioner also meeting the educational expenses. The Family Court has also rightly held that in deciding the interim maintenance, the Court has taken into account the financial status of the parties, the earnings and the earning capacity of the spouses. As against the claim of Rs.75,000/-, the Family Court has thought it fit to direct payment of only Rs.50,000/- to the respondent/wife towards monthly maintenance which is apart from the educational expenses of the daughter.

9. The learned counsel for the petitioner has also filed a memo dated 05.08.2025, stating that the arrears of maintenance has been paid as per order in I.A.No.13 of 2024 and the same has also been recorded before the I Additional Family Court, Chennai.



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10.It is also brought to my notice that on 17.06.2025, the Family Court has found that the payments made to the daughter cannot be adjusted as against the maintenance amount awarded to the wife. The Family Court has also taken note of the dismissal of I.A.No.5 of 2021 which was filed by the respondent/wife to modify the order in I.A.No.4 of 2021 and also taking into account the subsequent event that the daughter has completed course and joined a job, the additional amounts claimed by the wife were turned down. It is thus seen that the Family Court has considered all factors and material circumstances in arriving at the interim maintenance of Rs.50,000/- for the wife. The said findings of the Family Court are not perverse. I do not find any merit in the well considered order, which does not require interference under Article 227 of Constitution of India.

11.In fine, the Civil Revision Petition is dismissed. There shall be no order as to costs.

08.08.2025

Speaking/Non-speaking order

Index : Yes/No

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To

The I Additional Family Court, Chennai.



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P.B.BALAJI.J.

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Pre-delivery order made in
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