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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.Nos.1354 & 3458 of 2024
& CMP.Nos.7276, 12752 & 18747

M.Mythili ... Petitioner in CRP.No.1354 of 2024
K.B.Senthilnath ... Petitioner in CRP.No.3458 of 2024
Vs.

K.B.Senthilnath ...Respondent in CRP.No.1354 of 2024
M.Mythili ...Respondent in CRP.No.3458 of 2024

Common Prayer: Civil Revision Petitions filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed by the Family Court Judge, Chengalpattu in F.C.I.A.No.5 of 2023 in F.C.O.P.No.37 of 2023 dated 08.02.2024.

(In CRP.No.1354 of 2025)

For Petitioner : Mr.M.Rajasekar

For Respondent : Mr.B.Hari Babu

(In CRP.No.3458 of 2025)

For Petitioner : Mr.B.Hari Babu

For Respondent : Mr.M.Rajasekar

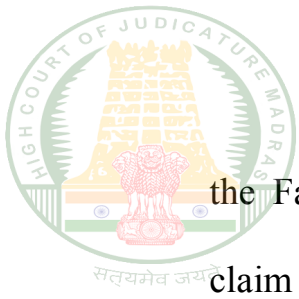


COMMON ORDER

WEB COPY These Civil Revision Petitions have been filed challenging the order of the Trial Court in F.C.I.A.No.5 of 2023 in F.C.O.P.No.37 of 2023 dated 08.02.2024 on the file of the Family Court, Chengalpattu.

2.The said application has been taken out, seeking interim maintenance for two minor children, who are in the custody of the mother. The contention of the mother was that the husband is earning substantial sums of money and also owns movable and immovable properties which fetch good rent and therefore, the maintenance sought for was at the rate of Rs.20,000/- for minor children.

3.The said application was resisted by the husband and after considering the affidavit of assets and liabilities filed on either side, the Family Court has directed payment of a sum of Rs.20,000/- in all to the two minor children. The Family Judge has taken into account the fact that the wife earns Rs.1,20,462/- and further held that taking into account and discounting cumulative factors, the Family Judge ordered a sum of Rs.20,000/- to be paid. I do not find illegality and perversity in the order of



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the Family Court, especially since though the wife has claimed that the claim husband owns several immovable properties and that some of them also fetching rents to the tune of Rs.42,000/-, Rs.20,000/-, Rs.70,000/- and Rs.10,000/- and that he also earns income from business at the rate of Rs.20,000/-, but nothing has been substantiated during enquiry. In fact, even in the affidavit filed in support of the application for interim maintenance as well as counter filed therein, I do not find any averments supporting the claims made by the wife in the interim maintenance application.

4.In the light of the above, I do not find any requirement to interfere with the order of the Family Court awarding a sum of Rs.20,000/- in all to the two minor children.

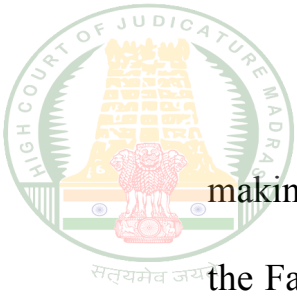
5.It is equally to be noted that admittedly, the wife is also earning and she is also bound to spend for maintenance of her two minor children, along with husband. The petitioner has not paid the arrears, even at the rate of Rs.20,000/- as ordered by the Family Court, admittedly, only a sum of Rs.40,000/- has been paid as on date and today, a demand draft for Rs.1,00,000/- dated 19.06.2025 bearing No.079060 drawn on IOB,



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Vandalur Branch has been handed over, on accounts and without prejudice to the rights of the wife, to the learned counsel for the wife. The learned counsel for the petitioner shall have the said Demand Draft delivered to the residential address of the wife by registered post. The learned counsel for the wife states that he would advice the wife to receive the same on account, without prejudice. The receipt of this amount is without prejudice to the rights of the wife and also on account.

6.It is to be noted that the IA for interim maintenance was filed on 11.12.2023. Therefore, the husband is bound to pay arrears at the rate of Rs.20,000/- from December 2023 onwards. However, he has chosen to pay only a sum of Rs.1,40,000/-, including a sum of Rs.1,00,000/- which is tendered by way of the Demand Draft. Therefore, it is made clear that the entire arrears payable from December 2023, subject to payment of Rs.1,40,000/- being deducted, the balance shall be paid, within a period of three weeks from today and in the event of any default committed in making the entire payment, notwithstanding any part payments that may be made in the interregnum period of three weeks, the petition filed by the husband, shall be struck off file. In the event of compliance of the order by



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making payment of entire arrears of the maintenance at the rate awarded by the Family Court, Chengalpet, within the period of three weeks from today, then the Family Court, Chengalpet, shall expedite trial in the main F.C.O.P.No.37 of 2023 and dispose of the same, within a period of four months, from the date of receipt of a copy of this order.

7. With the above directions, the Civil Revision Petitions are dismissed. There shall be no order as to costs. Connected Civil Miscellaneous Petitions are closed.

11.07.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

Internet : Yes / No

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To

The Family Court, Chengalpattu.



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P.B. BALAJI,J.

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