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C.R.P.(PD) No.1279 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.03.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD) No.1279 of 2025
and CMP.No.7636 of 2025

S.Yesudoss

... Petitioner

Vs.

1.R.Newlin Clara
2.Y.Shawn Felix (minor)
Rep by his mother
3.Y.Sherling Japhia (minor)
Rep, by her mother

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the order passed on 07.01.2025 by the IV Additional Family Court Judge at Chennai in I.A.No.01 of 2024 in O.P.No.2466 of 2023.

For Petitioner : Mr.S.Venkatesan

For Respondent : Mr.K.Premkumar



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C.R.P.(PD) No.1279 of 2023



ORDER

The present revision petition is filed challenging the order passed by the learned IV Additional Judge, Family Court, Chennai in I.A.No.01/2024 in O.P.No.2466/2023.

2. The short facts that led to the filing of the revision is as follows :

- a. The petitioner and the respondent got married on 27.04.2007. Out of the wedlock, a son was born on 09.04.2009 and a daughter was born on 06.05.2011.
- b. According to petitioner-husband, they both were initially leading a happy life, but, it later ran into rough weather. Owing to the cruel behaviour of the wife, there was no cordial relationship between them. When this unpleasant behaviour of the wife was brought to the notice of his in-laws, they turned a blind eye and never responded to it.
- c. The act of the wife and her family members created a lot of mental agony and torture to the husband, which forced him to file a petition for divorce in HMOP.No.2466 of 2023 before the



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C.R.P.(PD) No.1279 of 2023



Family Court, Chennai.

- d. Pending the HMOP proceedings, the wife had filed an application in I.A.No.1/2024 seeking interim maintenance viz., (a) a sum of Rs.11,000/- per month to maintain herself; (b) a sum of Rs.15,000/- per month to her two children each ; and (c) to pay Rs.50,000/- each towards education expenses of the two minor children for the academic year i.e., from 2023-2024, pending the disposal of the OP.
- e. The learned IV Additional Principal Judge, Family Court, Chennai, by order dated 07.01.2025 had directed the revision petitioner-husband to pay a sum of Rs.5,000/- per month each to his wife and to his two children as interim maintenance, from the date of filing the I.A. till the disposal of the OP. The said amount is directed to be paid on or before 5th of every English calendar month and also the arrears is directed to be paid within 3 months from the date of order i.e., 07.01.2025. In addition, the revision-petitioner husband is directed to pay a sum of Rs.50,000/- each per annum towards the educational expenses for the minor children for each of the academic year from 2023-



2024 till the disposal of the above OP.

Aggrieved by the aforesaid order, the revision petitioner/husband is before this Court.

3.1 The learned counsel appearing for the revision petitioner would submit that the wife/first respondent is earning sufficiently to maintain herself and this was admitted by her in the petition filed for interim maintenance, wherein she had stated that she has been working as a Billing Clerk in M/s.Hariharan Hospitals, Nanganallur since 2018. It is also contended by the revision petitioner that he is paying a sum of Rs.3,000/- each every month to his two children and also paying Rs.15,000/- every year towards the educational expenses of the minor children.

3.2 The revision petitioner would submit that he is working as a Record Clerk in Tamil Nadu Highways Department, Guindy, Chennai and he is earning a sum of Rs.38,000/- per month, and his annual income would be approximately Rs.3,90,000/-. In such circumstances, the order of the learned Judge directing to pay interim maintenance and educational expenses per annum which would work out to Rs.2,80,000/-, is very much



on the higher side and it would affect his livelihood.

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3.3 The revision petitioner would further submit that his elder son is studying IX standard in Kendriya Vidhyalaya, which is a Central Government Undertaking School and the annual school fee payable is about Rs.11,000/- only, which is also refundable. In the said circumstances, the order of the learned Family Court Judge is liable to be set aside, as the petitioner-husband is already paying a considerable sum towards the maintenance and educational expenses of the minor children.

4. The learned counsel appearing for the first respondent-wife on caveat is agreeable to reducing the compensation directed by the Court below to an extent that the respondent-wife is ready to forego the monthly maintenance of Rs.5,000/- per month paid to her and also a sum Rs.50,000/- per annum ordered towards the educational expenses of the eldest son who is studying in Kendriya Vidyalaya.

5. Recording the above, the order of the learned IV Additional Judge, Family Court, Chennai is modified to the extent the revision petitioner-



C.R.P.(PD) No.1279 of 2025

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husband shall pay a sum of Rs.5,000/- per month each to his two children alone and to pay a sum of Rs.50,000/- as educational expenses to his younger child, the third respondent herein for every academic year, till the disposal of the HMOP. The revision petitioner-husband is directed to pay the interim maintenance to the minor children on or before 5th of every English calendar month. It is needless to state that the arrears of maintenance as per the aforesaid modified order will be paid by the petitioner on or before 15.06.2025.

6. With the above modification, the civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

28.03.2025

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes / No
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To:

- 1.The IV Additional Judge
Family Court, Chennai.
- 2.The Section Officer
VR Section, High Court, Madras.



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C.R.P.(PD) No.1279 of 2025

P.T. ASHA, J,

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C.R.P.(PD) No.1279 of 2025

28.03.2025