



WEB COPY

CRP No. 1077 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2025

CORAM

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

CRP No. 1077 of 2025

and

C.M.P.No.6142 of 2025

S.Bhuvaeneshwari

..Petitioner(s)

Vs

J.Sampath

..Respondent(s)

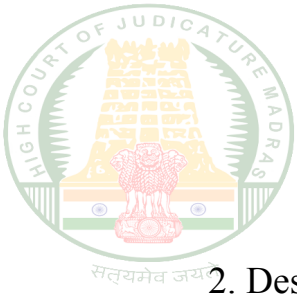
Prayer: This Civil Revision petition has been filed under Article 227 of Constitution of India seeking to set aside the order dated 14.10.2024, passed in IA No. 5 of 2024 in HMOP No. 812 of 2022 on the file of the Additional Subordinate Judge, Ponnammallee and to enhance the interim maintenance amount from Rs.5000/- to Rs.30,000/- and from Rs.10,000/- to Rs.40,000/- excluding educational and accommodation grant maintenance from the date of filing of the Petition in IA.No.5 of 2024 in HMOP No. 812 of 2022.

For Petitioner(s) : M/s.Selvirajesh

For Respondent(s) : No appearance

ORDER

The revision at the instance of the wife seeking enhancement of compensation by interim maintenance awarded by the Subordinate Court, Poonammallee.

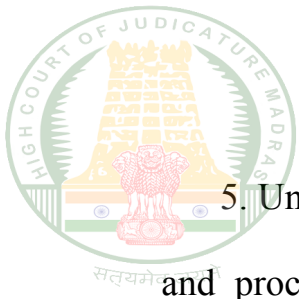


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2. Despite several opportunities, the respondent has not chosen to appear and contest the revision.

3. The learned counsel for the petitioner submits that the respondent was earning a handsome salary of Rs.50,000/- even according to his own admission and subsequently falsely claimed that he had voluntarily given his resignation and he had no income. However, the Sub Judge has rightly disbelieved the stand taken by the respondent-husband. The learned counsel for the petitioner would however, state that merely because the petitioner is dependent on her father who is a practising Lawyer, and also in view of the fact that the petitioner has not taken any steps to re-join her husband for ten years, has proceeded to fix compensation of Rs.10,000/- towards minor son and Rs.5,000/- towards the petitioner-wife.

4. The considerations that have weighed in the mind of the Sub Court, Poonamallee are totally irrelevant for deciding an application under Section 24 of the Hindu Marriage Act, 1955. The Sub Judge ought to have fixed an amount which would be necessary for the petitioner to maintain herself and minor son, considering the cost of living at the time of filing of the application.



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5. Unfortunately, the Sub Court, has fallen back on irrelevant considerations and proceeded to fix a very minimal amount towards interim maintenance which would not in any manner, satisfy the basic needs of the petitioner and the minor son.

6. Considering the fact that the respondent-husband has admitted that he was taking home a salary of Rs.50,000/-, I am inclined to enhance the maintenance ordered to the son from Rs.10,000/- to Rs.20,000/- and for the wife from Rs.5,000/- to Rs.15,000/-.

7. The learned counsel for the petitioner would also point out that in and by the impugned order, the Sub Court has directed payment of interim maintenance from the date of order, which is against the settled principles of law and practice. The petitioner is entitled to maintenance from the date of filing of her interim maintenance application. Also, there is absolutely no reason assigned by the Sub Court for awarding maintenance from the date of order. I am inclined to set aside that portion of the order as well. The arrears shall be paid from the date of filing of maintenance application to the petitioner within a period of three months from today.



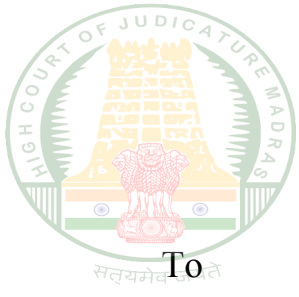
8. With the above observations, this civil revision petition is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

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The Additional Subordinate Judge, Ponnammallee



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P.B.BALAJI, J.

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