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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 24.06.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.1991 of 2025

S.Thamarai Selvi

... Petitioner

Vs.

M.Sathya Narayanan

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order dated 05.03.2025 passed in I.A.SR.No.385 of 2025 in F.C.O.P.No.62 of 2024 on the file of the Family Court, Chengalpattu.

For Petitioner : Mr.P.Anandha Babu

For Respondent : No appearance

ORDER

The Civil Revision Petition has been filed to set aside the order dated 05.03.2025 passed in I.A.SR.No.385 of 2025 in F.C.O.P.No.62 of 2024 on the file of the Family Court, Chengalpattu.

2.Heard the learned counsel for the petitioner.

3.The petitioner is the wife and respondent in FCOP.No.62 of 2024.

An application was filed in I.A.SR.No.385 of 2025, seeking a direction to the respondent/husband to file his affidavit of assets and income. The said



application has been returned by the Family Court even at the SR stage, holding that the said application is not maintainable in a divorce petition when the petitioner has not sought for even interim maintenance. Aggrieved by the said order, the petitioner/wife is before this Court.

4.The learned counsel for the petitioner would submit that no prejudice would be caused to the respondent/husband, if the application is taken on board and disposed of on merits. He would further submit that the respondent is very rich and despite the same, he is not maintaining his wife and children and therefore, the application seeking the affidavit of assets and income of the respondent/husband was well within the scope of divorce proceedings. He would therefore pray for the order of the Family Court being set aside.

5.I have carefully considered the submission of the learned counsel for the petitioner.

6.Admittedly, FCOP.No.62 of 2024 has been filed by the respondent/husband seeking divorce. The said proceeding has been contested by the petitioner/wife. In the said FCOP, the petitioner has



attempted to seek a direction to the respondent/husband to produce his affidavit of assets and statement of income. The Family Court has rightly found that no application has been filed for interim maintenance and therefore, there was no necessity in the divorce petition filed by the respondent, to seek for such a direction and has rightly returned the petition as not maintainable. I do not find any infirmity or perversity in the findings arrived at by the Family Court.

7. In view of the above, the Civil Revision Petition is dismissed. However, liberty is granted to the petitioner to file a petition for interim maintenance and in the said petition, she can seek a direction to the respondent to file an affidavit of assets and income. There shall be no order as to costs.

24.06.2025

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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