

C.R.P (PD) No.1532 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2025

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

C.R.P (PD) No. 1532 of 2025

M.R.Vinoth Kumar

... Petitioner

vs.

L.Anandhi @ Dhanalakshmi

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 16.12.2024 in IA.No.2 of 2023 in HMOP.No.3828 of 2022 passed by IV Additional Principal Family Court, Chennai.

For Petitioner : Mr. G.Naveen



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ORDER

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Challenging the order directing the revision petitioner to pay a monthly maintenance of Rs.10,000/- to the respondent and her daughter the petitioner is before this Court. The short facts are as follows.

2. The revision petitioner had filed a petition in HMOP.No.3828 of 2022 on the file of the IV Additional Principal Family Court, Chennai seeking divorce on the ground of desertion and cruelty. Pending the proceedings the respondent wife had filed IA.No.2 of 2023 seeking interim maintenance of Rs.30,000/- and litigation expense of Rs.10,000/-.

3. The respondent would contend that she has no independent source of income and that apart she is also taking care of her three year old daughter and the petitioner has not contributed any amounts for their maintenance. Her daughter has also got to be admitted into School.

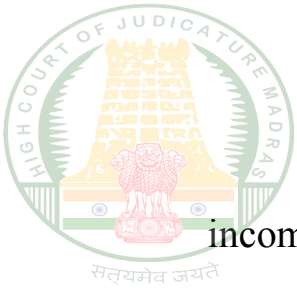


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WEB COPY 4. She would submit that the petitioner is working as a Delivery Executive at Dunzo Digital Private Ltd., and earning a sum of Rs.30,000/-. That apart, his family own house at Chennai from out of which monthly rental of Rs.25,000/- was being received. The respondent would submit that she is unemployed. Therefore, she had come forward with the petition in question.

5. A counter has been filed by the petitioner inter alia denying the contentions that he is a Delivery Executive. On the contrary he would submit that he is a delivery boy and his salary depends on the delivery to customer. He was earning only a sum of Rs.18,000/- per month. His parents were living along with him and fully dependent on him.

6. Before the Court below both the parties have filed their affidavit of assets and liabilities and the Court below has found that the respondent / wife has claimed that she does not have any source of



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income and she has to spend a sum of Rs.9,000/- towards the maintenance, food and clothing medical expenses.

7. That apart the child has been admitted in School on June 2023. Her Bank statement would show a debit of Rs.86,554.75/- and credit of Rs.11,688/-. The husband has filed an affidavit of assets and liabilities stating that he was earning only a sum of Rs.18,000/-. However, he has not produced a salary certificate to show that he is employed as a delivery boy. His bank statement was perused before the Court below and the Court finds that he was periodically receiving payments from Yes Bank.

8. The Court below has taken into account the actual expenses that the petitioner is incurring and had ordered a monthly interim maintenance of Rs.10,000/- for both the petitioner as well as her child.

9. Challenging the same, the petitioner is before this Court.



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WEB COPY 10. As observed earlier the petitioner / husband has not produced any document from his employer to show that he is only earning a monthly income of Rs.18,000/-. Income tax returns have not been produced as well.

11. Admittedly, the petitioner's daughter has been admitted into School and the respondent / wife is unemployed.

12. In these circumstances and considering the present cost of living a sum of Rs.10,000/- per month for the petitioner and the child aged 3 years is very reasonable. I see no reason to interfere with the same. The Civil Revision Petition is dismissed. No costs.

15.04.2025

Index: Yes/No
Internet: yes/No

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The IV Additional Principal Family Court,
Chennai.



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