

WEB COPY

CRP(PD).No.1450 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.(PD).No.1450 of 2025

and

C.M.P.No.8554 of 2025

P.Sathyamoorthy

... Petitioner

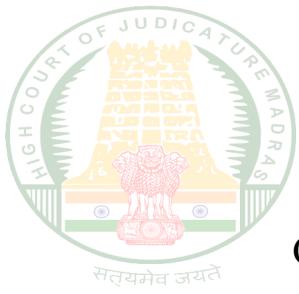
Vs.

S.Rajakumari

... Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order dated 16.02.2024 made in IA.No.1 of 2023 in HMOP.No.11 of 2023 on the file of the Hon'ble Subordinate Judge, Gudiyatham, Vellore District.

For Petitioner : M/s.J.Prakasam



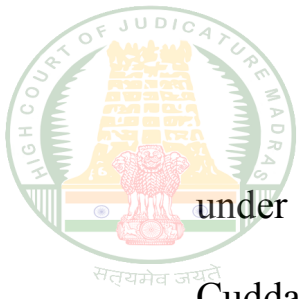
ORDER

Challenging the order granting a sum of Rs.6,000/- as monthly maintenance and Rs.10,000/- towards litigation expenses, the husband is the petitioner before this Court.

2. The respondent/wife has filed the HMOP.No.11/2023 on the file of the Subordinate Judge, Gudiyatham seeking restoration of conjugal rights.

3. Pending HMOP proceedings, the respondent/wife had come forward with an application seeking maintenance of a sum of Rs.20,000/- per month and Rs.30,000/- towards litigation expenses. She would submit that the respondent/husband is working in a private company and earning a sum of Rs.40,000/- per month and he has not spent a penny on her.

4. The petitioner/husband had filed a counter stating that the respondent/wife is educated and that she was working in a private concern and earning a sum of Rs.50,000/- per month and therefore she has the capacity to earn herself. That apart, she has filed proceedings



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under the Domestic Violence Act before the Judicial Magistrate, Cuddalore for return of articles. All of which would only go to show that she is not willing to return to her matrimonial home and the application for restoration of conjugal rights is nothing but a lip service.

5. The learned Sub Judge, after considering the rival contention had proceeded to partly allow the petition and has ordered a monthly, maintenance of Rs.6,000/- and Rs.10,000/- towards litigation expenses. Challenging the same, the petitioner is before this Court.

6. Heard the counsel for the petitioner and perused the records.

7. A perusal of the counter would indicate that the petitioner/husband has not denied his monthly income. It is also not in dispute that the respondent/wife is presently not earning and she is dependent on her parents. The petitioner/husband who claims that he has to take care of his parents has to also take care of his wife more particularly when she has taken out an application for restoration of



conjugal rights which would indicate that she is desirous to continue their marriage. The amount of Rs.6,000/- is just enough for a person to scrap through. Therefore, the order passed by the learned Sub Judge, Gudiyatham is very much in order and I see no reason to interfere with the same.

8. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

08.04.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Subordinate Judge, Gudiyatham.



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P.T. ASHA. J.,

(shr)

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