

THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 18.08.2025

Order pronounced on : 12.09.2025

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

CRP.No.1793 of 2024
& CMP.No.9470 of 2024

Dinesh

..Petitioner

Vs.

Ezhil Deepa Dinesh

..Respondent

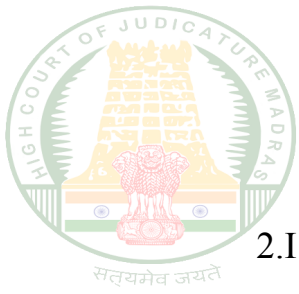
Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the judgment and decree of the interim maintenance and litigation expenses dated 19.12.2022 passed by the IV Additional Family Court, Chennai, in I.A.No.2263 of 2017 in O.P.No.3938 of 2016.

For Petitioner : Mrs.K.Sumathi

For Respondent : Mr.S.Mukunth
Senior Counsel
for Mr.D.Ravindranathan

ORDER

The revision petitioner is the husband, who challenges the order of interim maintenance awarded in I.A.No.2263 of 2017 in O.P.No.3938 of 2016 on the file of the IV Additional Family Court, Chennai.



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2.I have heard Mrs.K.Sumathi, learned counsel for the petitioner/husband and Mr.S.Mukunth, learned Senior Counsel for Mr.D.Ravindranathan, learned counsel for the respondent/wife.

3.O.P.No.3938 of 2016 has been filed by the petitioner/husband, seeking dissolution of the marriage with the respondent/wife. Pending the said OP, the respondent has filed I.A.No.2263 of 2017, seeking interim maintenance and the said application was resisted by the petitioner. However, on enquiry, the Family Court has granted interim maintenance to the tune of Rs.10,000/- per month to the wife and a sum of Rs.50,000/- towards litigation expenses and a sum of Rs.40,000/- to the minor son, who has subsequently become major.

4.It is the contention of the learned counsel for the petitioner, Mrs.K.Sumathi, that even as early as February 2018, the Family Court had taken note of the fact that the petitioner was paying a sum of Rs.20,000/- to the minor son, without any default, up to the date on which, he attained majority. She would also contend that the wife is a Director in her father's limited Company, drawing a salary of Rs.80,000/- per month. The said income, accruing to the respondent, has even been suppressed by the respondent/wife



and therefore, the Family Court ought not to have ordered any amount of maintenance payable to the respondent/wife. It is also contended that there is no obligation on the part of the petitioner to pay interim maintenance subsequent to the minor son attained the age of majority.

5.The learned counsel for the petitioner would further state that despite the payment of Rs.20,000/- being recorded by the Family Court, in and by a docket order, the same was never challenged at any point of time and on the contrary, the respondent has been taking benefit of the said sum of Rs.20,000/-, which was only paid towards maintenance of the minor son for over six years, without any protest or prejudice to seek for enhancement of the maintenance amount. It is therefore contended that the maintenance sought for to the minor son was misconceived and the application itself was not maintainable. The learned counsel for the petitioner would place reliance on the decision of the Hon'ble Supreme Court in *Rajnesh Vs. Neha and Another*, reported in 2020 SCC Online SC 903 and the decision of the Division Bench of this Court in *Perumal Vs. Saraswathi* in CMA.No.3126 of 2019 dated 03.02.2021, in support of her contentions.



6.Per contra, Mr.S.Mukunth, learned Senior Counsel appearing for the respondent/wife states that the obligation of the father does not stop with the minor attaining the age of majority, as it is the moral duty of the father to ensure that the minor child is provided with good education and till such time, the son or daughter is able to stand on his/her own feet, the petitioner would have to maintain the son and daughter. The learned Senior Counsel would rely on the decision of the Hon'ble Supreme Court in *Parvin Kumar Jain Vs. Anju Jain*, reported in (2025) 2 SCC 227 and the decision of the Delhi High Court in *Urvashi Aggarwal and Others Vs. Inderpaul Aggarwal*, reported in 2021 SCC Online Del 4641, in support of his contentions.

7.I have carefully considered the submissions advanced by the learned counsel for the petitioner and the learned Senior Counsel for the respondent.

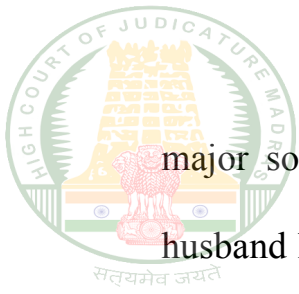
8.The learned counsel for the respondent/wife has also filed a calculation, wherein it is contend that as against the award of Rs.10,000/- to the wife and Rs.40,000/- to the minor son, the husband has to pay Rs.24,80,000/- and the wife has already expended a sum of Rs.12,51,000/- towards even fees and transportation and other miscellaneous expenses for the past three years and the wife has also paid Rs.53,27,784/- towards EMI for the loan availed of for the



purchase of the property in the joint names of the petitioner and the respondent and the husband has paid only a sum of Rs.8,37,800/- up to 2008, as against the payment being made by the wife for nearly 200 months thereafter. Though the payment of fees is substantiated by fee receipts, claims towards transportation at approximately Rs.1,60,000/- for the first year, Rs.1,20,000/- for the second year and Rs.1,09,000/- for the third year is not substantiated, though claimed and included in the calculation.

9.Relying on the decision of the Hon'ble Supreme Court, learned Senior Counsel, Mr.S.Mukunth, would state that the father has an obligation to pay for the children, even though the son may have attained majority and finished his Engineering degree, approving the view of the High Court that only after completion of College/University degree and in some cases, after Post Graduation/Professional degree, the child would be able to secure employment and in today's competitive world, gainful employment is also not very easy to come by.

10.The decision of the Delhi High Court in *Urvashi Aggarwal's case*, is on the same lines, holding that the Court cannot shut its eyes to the reality that simply attaining majority would not translate into the understanding that the



major son is earning sufficiently. The Delhi High Court also held that the husband has to necessarily carry the financial burden of making certain that his children are capable of attaining a position in Society where they can sufficiently maintain themselves and the mother cannot be burdened with the entire expenditure on education of the son and just because the son has completed 18 years of age, the father cannot be absolved of his responsibilities.

11.I have carefully considered the submissions advanced by the learned counsel for the petitioner and the learned Senior Counsel for the respondent. I have also gone through the order of the Trial Court, awarding Rs.10,000/- to the wife and Rs.40,000/- to the son, who admittedly has now attained the age of majority.

12.It is also the case of the learned counsel for the husband that the wife had even suppressed the subsistence of her earlier marriage to another person, at the time of marrying the respondent and she has played a fraud upon the Court and that she has also suppressed the factum of income accruing as a Director in the limited Company. The question whether the wife has suppressed the factum of her earlier marriage or the husband was aware of the same are all questions that can be decided only after the parties lead evidence at



trial. For the limited purposes of deciding an application for interim maintenance under Section 24 of the Hindu Marriage Act, I do not see how the said arguments placed by the learned counsel for the petitioner would be relevant factors to be considered. In any event, the marriage between the petitioner and the respondent is not disputed and it is only a case that the wife had suppressed an earlier marriage, which was dissolved only after the marriage between the petitioner and the respondent was solemnized. This can always be put to test at the time of trial. This ground cannot be strong enough reason to dismiss the claim for maintenance *pendente lite*.

13. The Family Court has found that the wife is residing along with her son in the flat, which jointly belongs to the petitioner and the respondent. It is the case of the respondent that the husband has paid the monthly installments only for few months and thereafter, for close to 200 months, it is only the wife who has been servicing the monthly installments to repay the housing loan. The Family Court has factored the affidavit of assets and liabilities filed by both the husband and wife and taking note of the ratio laid down by the Hon'ble Supreme Court in *Bhagwan Dutt Vs. Kamla Devi and Another*, reported in (1975) 2 SCC 386, has held that the object of awarding interim maintenance is not to punish a person for past neglect, but to prevent vagrancy and destitution

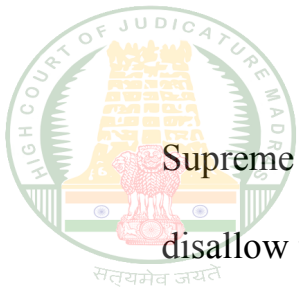


of a deserted wife by providing her food, clothes and shelter, by a speedy remedy.

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14.The ratio laid down in *Rajnesh's case* was also taken note of by the Family Court that the test for determination of maintenance depends on financial status of the respondent, standard of living that the applicant was accustomed to in her matrimonial home and considering all these factors, the Family Court finding that the husband was earning 60,000 Hong Kong Dollars per month admittedly and also taking note of the fact that the petitioner was paying Rs.20,000/- per month for the maintenance of the minor son and the same was being received without any prejudice or objection, all along, the Family Court has ordered a sum of Rs.10,000/- to be paid to the wife and a sum of Rs.40,000/-, including the Rs.20,000/- to be paid to the son already as per docket order, in all, Rs.50,000/- as interim maintenance.

15.When the respondent has chosen to suppress the vital factum of her being a Director in a limited Company and drawing a remuneration of Rs.80,000/- per month, the Family Court ought to have taken adverse inference of said suppression and viewing it from the object of the provisions, namely Section 24 of the Hindu Marriage Act and also the judgments of the Hon'ble

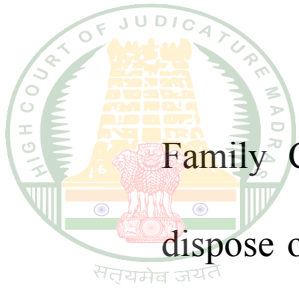


Supreme Court that have been rightly extracted in the order, proceeded to disallow the claim of the respondent towards maintenance for herself.

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16. Insofar as the minor son, no doubt, the son has attained the age of majority in March 2023. However, as held by the Delhi High Court in *Urvashi Aggarwal's case*, the obligation of the father to maintain his major son would continue beyond 18 years. It is the responsibility of the father to meet the educational expenses of his son, who cannot sustain himself independently. The Family Court has also factored the payment of Rs.20,000/- being made by the petitioner to the son, all along and has only increased it by a further Rs.20,000/- and made it Rs.40,000/- per month in all. In my considered opinion, the said order of the Family Court is perfectly in order and fair and just as well, considering the facts and circumstances of the case. I do not find any justifiable grounds to interfere with the award of interim maintenance to the son which shall continue to be met by the petitioner till the disposal of OP.

17. In view of the above, the Civil Revision Petition is partly allowed, setting aside the order of interim maintenance of Rs.10,000/- awarded to the wife and confirming the interim maintenance of Rs.40,000/- awarded to the son. Considering that the OP is pending from 2016, I direct the IV Additional

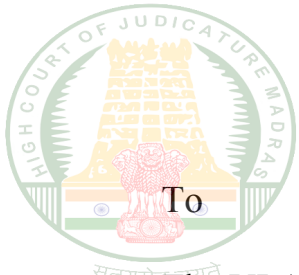


Family Court, Chennai, to expedite hearing in O.P.No.3938 of 2016 and dispose of the same, on merits and in accordance with law, within a period of

six months from the date of receipt of a copy of this order. There shall be no order as to costs. Connected Civil Miscellaneous Petition, if any, is closed.

12.09.2025

Speaking/Non-speaking order
Index : Yes/No
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To

The VI Additional Family Court, Chennai.

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P.B.BALAJI.J.

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Pre-delivery order made in
CRP.No.1793 of 2024
& CMP.No.9470 of 2024

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