



WEB COPY



CRP. No.1851 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:22.08.2025

Pronounced on: 29.08.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

CRP. No.1851 of 2025

Bhagyaraj Jaganathan

Petitioner

Vs

Aruna Devi A.D.

Respondent

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 13.11.2024 passed in I.A. No.2 of 2022 in O.P. No.2030 of 2022 on the file of the IV Additional Family Court at Chennai.

For Petitioners : Mr.Suchit Anant Palande

For Respondents : Mr.R.V.Lakshmipathy

ORDER

The husband challenges the order of interim maintenance awarded by the IV Additional Family Court, Chennai.



CRP. No.1851 of 2025

2. I have heard Mr. Suchit Anant Palande, learned counsel for the petitioner/ husband and Mr.R.V.Lakshmipathy, learned counsel for the respondent/wife.

3. The learned counsel for the petitioner states that the petitioner has sought for dissolution of marriage and filed HMOP.No.2030 of 2022. Pending the said divorce petition, the respondent/wife has filed an Application in I.A.No.2 of 2022 under Section 24 of the Hindu Marriage Act, 1955 seeking maintenance of Rs.40,000/-.

4. It is the specific contention of the learned counsel for the petitioner that when the respondent had sought for maintenance only for herself, the Family Court clearly fell in error in proceeding to grant interim maintenance as prayed for by the petitioner and also additionally a sum of Rs.50,000/- for the minor son, without even a prayer being made by the respondent wife in this regard.

5. Mr.Suchit Anant Palande, learned counsel for the revision petitioner would also take me through the typed set of papers to contend



CRP. No.1851 of 2025

that, subsequent to a direction sought for by the revision petitioner, the respondent was called upon to disclose her income and in compliance of the same, the respondent has also disclosed that she is earning substantially. Referring to the affidavit of assets and liabilities filed earlier in point of time, Mr. Suchit Anant Palande would contend that the wife has therefore suppressed material facts, especially the substantial income that is accruing to her and therefore she is not entitled to any maintenance whatsoever.

6. The learned counsel would also state that a separate maintenance claim has also been filed seeking interim maintenance for the minor and therefore, the order of the Family Court awarding interim maintenance to both the wife and the minor are liable to be set aside.

7. Per contra the learned counsel for the respondent Mr.R.V.Lakshmipathy would state that the the respondent had brought to the notice of the Family Court that a separate maintenance claim had been filed in MC.No. 278 of 2021 claiming maintenance and when it was brought to the notice of the learned Family Judge hearing the Section 24



CRP. No.1851 of 2025

Application, it was suggested by the learned Judge that the said claim can be inquired and awarded even in the present Section 24 Application and need not be independently pursued under a different head viz., under Section 125 of the Criminal Procedure Code by claiming separate maintenance before different Forum.

8. The learned counsel for the respondent would therefore state that only under such circumstances, the Family Court has proceeded to award maintenance for the minor as well and therefore, there is no infirmity in the order passed. The learned counsel would also contend that the respondent/husband is earning not less than Rs.50 lakhs per annum which is evidenced from the Income Tax returns for the assessment years 2020-21 to 2022-2023 which works out to approximately Rs.4 lakhs per month and therefore, the learned counsel would state that considering the present economic scenario, the award of interim maintenance is just and proper and same does not require any interference.



CRP. No.1851 of 2025

9. I have carefully considered the submissions advanced by learned counsel for the parties.

10. In fact when the revision came for admission, I had passed a conditional order granting interim stay of the order by directing the petitioner to pay 50% of the litigation expenses and a sum Rs.30,000/- per month together and also the arrears at the rate of 50% of the amount awarded by the Family Court. Admittedly, the said order was subsequently complied with, though with some delay. However, as on date maintenance as directed by this Court has been paid up to July 2025.

11. No doubt, the respondent has made a claim only for herself in I.A.No.2 of 2022. There are no averments with regard to the claim for interim maintenance for the minor. The contention of the learned counsel for the respondent appears to be probable since in respect of the minor, a separate claim has been made under maintenance case in MC proceedings under section 125 of Criminal Procedure Code. It is brought to my notice that the said MC proceedings are still pending and it has not been withdrawn by the respondent, though it was undertaken to be



CRP. No.1851 of 2025

withdrawn since the maintenance claim for the minor would also be considered by the Family Court itself.

12. In any event testing the order granting interim maintenance to the respondent and the minor under Section 24 is only to ensure that the applicant seeking interim maintenance is able to lead a comfortable and decent living and is also able to fund the litigation expenses. The respondent in her statement of affidavit of assets and liabilities has stated that she is a housewife. However, when subsequently the petitioner took out an Application to direct the respondent to disclose her income, in compliance with orders passed by the Family Court, the respondent has come forward to state that she is employed and was drawing a salary of not less than Rs.25,000/- even in September 2021 and the said salary has risen to approximately Rs.45,692/- in December 2023 and same has been received by her up to May 2024.

13. On the date of filing the affidavit of assets and liabilities, the respondent has concealed the salary that she has received from September 2021 to May 2024. The respondent is therefore guilty of not



CRP. No.1851 of 2025

coming to Court with clean hands. In any event, considering that the petitioner has also burked his income and falsely projected as if he is earning Rs.1,22,098/- per month. However, the Income Tax returns for the three assessment years reflects a totally different picture.

14. Both the parties have suppressed the real income that they are getting, in order to get a favourable order in their favour, in the Application under Section 24 of the Hindu Marriage Act, 1955. The Family Court has found that, considering the income of both the petitioner and the respondent, the petitioner is liable to pay Rs.40,000/- to the wife and Rs.50,000/- to the minor. The Family Court has also taken into account the fact that the petitioner had claimed maintenance only for herself, but holding that the Court can mould relief, the maintenance was awarded to the minor son as well.

15. There is no reference with regard to the stand projected by the learned counsel for the respondent with regard to the claim for maintenance being made for the minor son in the present proceedings. If really the case as projected by the learned counsel for the respondent is



CRP. No.1851 of 2025

true, then the learned Family Court would have certainly mentioned about the same and the respondent would have withdrawn the Maintenance Case. However, it is admitted that the Maintenance Case is still pending and not withdrawn.

16. In the light of the above and considering the affidavit of assets and liabilities filed on either side and the subsequent documents which are relied on by the parties, viz., the details of income of the respondent as well as the financial Income Tax returns for relevant three financial years of the petitioner/husband, I am inclined to pass the following order;

(i). The petitioner shall pay a sum Rs.20,000/- as interim maintenance to the respondent/wife and a sum Rs.40,000/- to the minor son.

(ii). The said amount shall be payable from the date of filing of I.A.No. 2 of 2022 till disposal of the main OP.

(iii) The arrears, after adjusting the amounts paid by the petitioner in compliance with conditional orders of this Court, shall be paid within a period of four (4) weeks from the date of receipt of the copy of the



CRP. No.1851 of 2025

order.

WEB COPY

(iv) The family court is directed to expedite trial in HMOP.No.2030 of 2022 and dispose of the same within a period of nine (9) months from the date of receipt of the copy of the order.

17. It is also made clear that if the respondent is not going to withdraw the Maintenance Case proceedings in MC.No.278 of 2021, then the Court shall consider the award of interim maintenance by the Family Court, and modified by this Court while passing final orders in the said maintenance case.

18. In view of the above observations. This Civil Revision Petition is partly allowed. No costs.

29.08.2025

rkp

Index : Yes / No

Internet : Yes / No

To:

The IV Additional Principal Family Judge,

Chennai.



WEB COPY



CRP. No.1851 of 2025

P.B.BALAJI, J.,

rkp

Pre-delivery order in
CRP. No.1851 of 2025

29.08.2025