



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 06.06.2025

Pronounced on : 10.06.2025

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.R.P.No.1852 of 2025

and

C.M.P.No.10696 of 2025

P.Vishnuraghav

.. Petitioner

Versus

1.Manjula Devi

2.Prithika (Minor)

3.Prashika (Minor)

Petitioners 2 and 3 represented by their mother Manjula Devi

.. Respondents

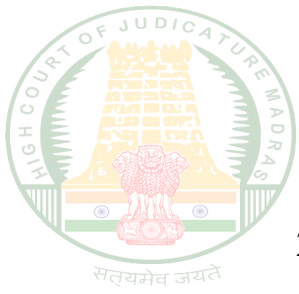
Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 17.11.2022 passed in I.A.No.1 of 2021 in OP.No.636 of 2021 on the file of the I Additional Family Court at Chennai.

For Petitioner : Mr.D.Murugan

For Respondents : Mr.S.Venkata Krishnakumar

ORDER

Challenging the order of the Family Court granting Rs.15000/- monthly maintenance to the first respondent herein, the revision petitioner being husband has filed the present revision.

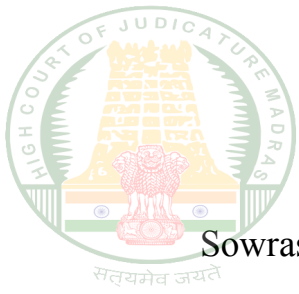


2. Brief background of filing the revision is as follows:-

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2.a. The marriage between the petitioner and the first respondent was solemnised according to the Hindu rites and custom on 27.01.2013 at Pudukottai District. From their wedlock, two female children were born on 01.01.2014 and 02.07.2018. According to the revision petitioner, the respondent was adamant and also resigned her job and she has also lodged false complaint against the petitioner on 03.11.2020. In the police station, the first respondent had adamantly insisted the respondent to sign the divorce paper, however, thinking about the future of the children, the petitioner has refused to sign it. Thereafter, the first respondent has deserted the petitioner and living in the same house separately. Despite, request for reunion, she has refused to cohabit with the petitioner. Hence, the petitioner has filed divorce petition. During the pendency of the petition, an application has been taken out by the first respondent under Section 24 of the Hindu Marriage Act seeking maintenance of Rs.15,000/- to the first respondent/wife and Rs.10,000/- each to the minor children.

2.b. In the impugned application, it is the contention of the wife that the revision petitioner has half share in the premises at No.4, 8th Street,



Sowrashtra Nagar, Choolaimedu, Chennai and the said building would fetch a monthly rent of Rs.1 lakh. That apart, the revision petitioner has also joined as production manager and earning income and she has no income. That application has been disputed by the revision petitioner. The Trial Court taking note of the fact that the minor children are residing with the petitioner, has ordered maintenance of Rs.15,000/- to the wife. Hence, this revision.

3. Originally, the revision petitioner has filed CRP.No.4197 of 2023 challenging the order dated 17.11.2022. The said revision was withdrawn as not maintainable at that stage. Later, in view of a judgment of a Division Bench of this Court, this revision has been filed once again challenging the order dated 17.11.2022.

4. The main contention of the learned counsel for the petitioner is that Trial Court granting Rs.15,000/- maintenance as pleaded by the first respondent is without any evidence. Further, regular income has not been established. Out of the rental income, major portion is paid towards bank interest in respect of the loan borrowed by the petitioner, these facts have not been taken into consideration. Further, the very divorce petition itself is



struck off for alleged non payment. According to him, in the Execution Petition, a sum of Rs.1,20,140/- is already paid and the petitioner is now willing to deposit another Rs.2 lakhs, therefore, he may be permitted to contest the divorce petition by allowing the revision.

5. Whereas, it is the contention of the learned counsel for the respondents is that the petitioner has not paid the maintenance as ordered by the Trial Court. While the earlier revision was withdrawn, the petitioner was directed to deposit Rs.3 lakhs and that amount is also not paid, therefore, the revision is not maintainable.

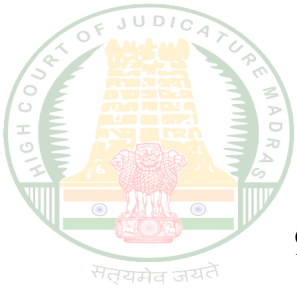
6. Heard both sides and perused the materials placed on record.

7. In light of the above pleadings and submissions, now, the following point arises for consideration:

a. Whether the interim maintenance of Rs.15,000/- per month is reasonable?



WEB COPY 8. The revision petitioner has filed the divorce petition in OP.No.636 of 2021 on the ground of desertion and cruelty. Though he made certain allegations against the wife in his counter as if she is leading adulterous life, this Court is not inclined to venture into those allegations at present since those allegations has not been established, but the fact remains that the first respondent has claimed maintenance of Rs.15,000/- to her and Rs.10,000/- each to her children. The Trial Court has rightly found that the children are with the petitioner, therefore, ordered Rs.15,000/- maintenance as prayed by this respondent. It is also not disputed that the respondent wife is also residing in the same house. Though it is alleged that revision petitioner was working as production manager and earning other income apart from the monthly rental income, this aspect has not been established before the Trial Court. The Trial Court has merely based on the allegations made by the respondent has granted the monthly maintenance as sought by her. It is pleaded by the respondent herself that rental income from the house property would be shared by the petitioner and his brother. Though it is stated that the rental income is Rs.1 lakh, no evidence in the form of affidavit from the tenants has been filed to show that rental income was more than Rs.1 lakh.



9. It is relevant to note that after deducting the expenses towards the maintenance of the property, the rental income would be shared by the revision petitioner and his brother, in such case at-least rental income would be around Rs.40,000 to Rs.45,000/- to the petitioner. The revision petitioner also pleaded that he has to pay the amount towards the interest of the loan borrowed by him for constructing the house. This aspect has not been considered by the Trial Court. Further, the alleged income from other jobs has also not been established. Further, children are also residing with the revision petitioner. Therefore, this Court is of the view that in the absence of any probable evidence, the Trial Court granting Rs.15,000/- as maintenance as prayed by the first respondent in view of this Court is not proper.

10. Though the first respondent is said to have quit the job, she is also M.B.A. Graduate. She is residing in the same house. Therefore, considering the above, this Court is of the view that interim maintenance of Rs.15,000/- as ordered by the Trial Court is excessive, that too, without any evidence, however, taking note of the nature of expenses required to maintain oneself, particularly, in a city like Chennai minimum, Rs.10,000/- is required.



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11. Admittedly, the respondent is residing in the same house, payment of rents do not arise at all, therefore, this Court is of the view that the amount of interim maintenance of Rs.15,000/- be reduced to Rs.10,000/- and the same will meet the ends of justice. If the interim maintenance is calculated at Rs.10,000/- from the date of petition, viz., 21.10.2021 to till date, the same will come around Rs.4,40,000/-. It is not disputed by both sides, in the execution petition, a sum of Rs.1,20,000/- is already paid by the revision petitioner. Therefore, the revision petitioner is hereby directed to deposit further sum of Rs.3,20,000/- within a week from the date of receipt of copy of this Order to the credit of execution petition in EP.No.52 of 2024. The first respondent is entitled to withdraw such amount. On such deposit, the OP.No.636 of 2021 which was struck off by the Trial Court dated 03.02.2024 is restored to the file of the Additional Family Court, Chennai. Thereafter, the Trial Court shall dispose of the main OP on its own merits. It is made clear that till the disposal of the Original Petition, the respondent shall continue to pay the monthly maintenance at Rs.10,000/- as ordered by this Court.



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N.SATHISH KUMAR, J.

12. Accordingly, this revision stands allowed. No costs. Consequently, connected miscellaneous petition stands closed.

10.06.2025

dhk

Internet : Yes/No

Index : Yes/No

Neutral Citation : Yes/No

To

1. The I Additional Family Court
Chennai

2.The Section Officer
VR Section, Madras High Court

C.R.P.No.1852 of 2025