



WEB COPY

CRP. PD. Nos.1969 & 2348 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:23.07.2025

Pronounced on:01.08.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

CRP. PD. Nos.1969 & 2348 of 2025

Jayanthi Manogaran

Petitioner in both CRPs

Vs

Vinoth Kumar

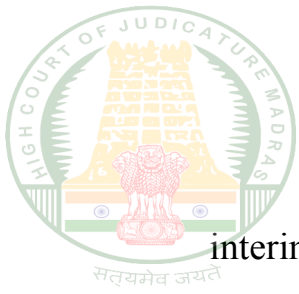
Respondent in both CRPs

COMMON PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the impugned order passed by the Principal Subordinate Judge, Kancheepuram in I.A. No. 4 of 2022 in HMOP. No.227 of 2021 dated 09.08.2024 & I.A. No.3 of 2022 in HMOP. No.2227 of 2021 dated 19.02.2025, enhance the interim maintenance for the minor daughter.

For Petitioner : Ms.R.Ajitha in both CRPs
For Respondent : Mr.S.L.Sudarsanam
for Mr.A.P.Sathyamurthy
in both CRPs

COMMON ORDER

The wife, in matrimonial proceedings has filed the present revision petitions.



2. CRP.No. 1969 of 2025 has been filed challenging the order of interim maintenance in I.A.No. 4 of 2022 by way of seeking enhancement and CRP.No. 2348 of 2025 has been filed challenging the visitation rights made available to the respondent / husband to see his minor daughter.

3. I have heard Ms.R.Ajitha, learned counsel for the petitioner/wife and Mr. S. L.Sudarsanam for Mr.A.P.Sathyamurthy, learned counsel for the respondent/ husband.

4. The learned counsel for the petitioner would state that the parties are living separately from February 2021 and the minor girl child born on 09.11.2019 is under the care and custody of the petitioner. In order to maintain herself and the minor child, the petitioner filed I.A.No. 4 of 2022 claiming Rs.30,000/- for herself and Rs.20,000/- for the minor child who is now aged 5 and half years, apart from litigation expenses to the tune of Rs.50,000/-.

5. The learned counsel for the petitioner states that without considering any of the material circumstances, including the affidavit of



assets and liabilities in a judicious manner, the Court below has ordered only a sum of Rs.10,000/-, that too payable only to the minor girl child and nothing has been awarded to the petitioner/wife. Taking me through the affidavit filed by the respondent with regard to the assets and liabilities, the learned counsel would point out that the claim of the petitioner being employed was only hearsay, even according to the respondent/husband. She would further submit that as soon as the counter affidavit was filed by the respondent/husband in the maintenance application alleging that the petitioner is earning well and she is not entitled to interim maintenance, the said averments in the counter affidavit have been refuted by filing a reply statement. She would therefore state that the burden was only on the respondent/husband to establish the claim that the petitioner was employed and earning well in order to non-suit the petitioner for the claim of interim maintenance.

6. The learned counsel would further state that even insofar as the amount of Rs.10,000/- that has been awarded towards the minor girl, the respondent has not paid any money till date and has also not challenged the order awarding Rs.10,000/- for the minor girl. The learned counsel would further invite my attention to the various business interests of the



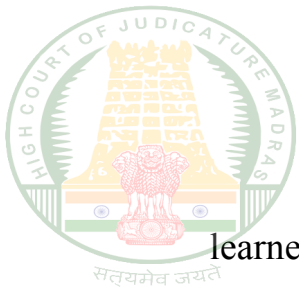
respondent/husband and also his holding two bank accounts including credit card facilities. She would also state that the respondent has even settled a property in favor of one J.Thivashini who according to the petitioner/wife is living with the respondent husband, claiming to be his wife. She would therefore contend that the learned Sub Judge, Kancheepuram has clearly fell in error in disallowing the claim of maintenance for the wife and also in awarding a very nominal sum of Rs.10,000/- towards the minor child, which is highly insufficient given today's costs of living.

7. Insofar as the revision in CRP.No.2348 of 2025, the learned counsel for the petitioner states that the wife has already filed criminal cases against the respondent/husband and the husband has even set up anonymous letters and abused the petitioner and her family and the respondent is not a man of good character and therefore, the minor child should not be allowed to interact with the respondent as the mind of the minor child would get polluted. The learned counsel would therefore pray for setting aside the order granting visitation rights by the learned Sub Judge, Kancheepuram.



8. Per contra, Mr.S.L.Sudarsanam, learned counsel for the respondent/husband would state that insofar as the business interest, the petitioner has filed necessary documentary evidence to establish that the business concerns have all been closed and that even in the application seeking interim maintenance, the petitioner has suppressed the factum of her employment and only after it was pointed out by the respondent/husband in the counter affidavit, the petitioner chose to file a reply statement. He would therefore state that the order of the learned Sub Judge, Kancheepuram is just and reasonable and does not require any interference.

9. With regard to the Civil Revision Petition arising out of the order granting visitation rights, the learned counsel for the respondent would state that the order permitting the father to have an interaction with his daughter cannot be faulted and merely because. the petitioner has not paid the maintenance amount even as directed by the Sub Court, the father should not be deprived of his right to visit his minor daughter. He would therefore seek for confirmation of the order passed by the Family Court.



10. I have carefully considered the submissions advanced by the learned counsel on either side.

WEB COPY

11. Insofar as the interim Maintenance Application, I find from the affidavit that the petitioner has categorically asserted that she has no income of her own and that she is totally dependent on her parents even for meeting her day to day expenses. In the counter, the respondent has alleged that the petitioner is employed and she is a dietitian and getting Rs.45,000/- per month as remuneration for her services. In view of the said specific averment made by the respondent/husband, the petitioner has filed a reply statement denying the said allegation of the respondent/husband, specifically.

12. Firstly, insofar as the maintenance claim is concerned, the Sub Court has clearly erred in proceeding to disallow the claim of the revision petitioner as regards interim maintenance for herself. Without any valid proof or substantiation, the Court has proceeded to presume that the petitioner is employed and earning Rs.45,000/- . The Court should have called upon the respondent to establish the said contention that the petitioner is employed and earning a sum of Rs.45,000/- per



month and that therefore, she is capable of maintaining herself. The petitioner/wife cannot be called upon to prove the negative, when her specific case is that she is not employed and that she has no income of her own and that she is dependent on her parents even for her day to day living. Therefore, when the respondent/husband had claimed that the wife is gainfully employed, then the burden ought to have been placed on the respondent/husband to establish such contention.

13. However, the learned Sub Judge, has proceeded to accept the averment in the counter affidavit and thereby, disallowed the maintenance claim for the wife. The said order is clearly unsustainable in the eye of law and deserves to be set aside.

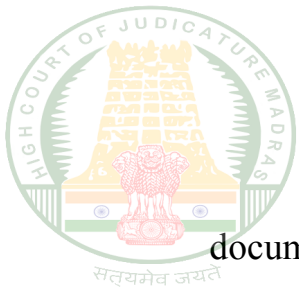
14. I find that the respondent/husband has also not filed his income tax returns and in one place, he states that he is employed under some person and at another place he claims to be a partner. Therefore it is highly doubtful if the respondent has even come to Court with clean hands, disclosing full and true information. The specific claim of the petitioner is that the respondent owns immovable properties, besides movable assets as well and he is also getting income from his business



WEB COPY

15. The learned Sub Judge having found the inconsistencies in the affidavit of assets and liabilities filed by the respondent with regard to the business interests, ought to have taken note of the conduct of the respondent, coupled with his failure to produce the income tax returns as well as documents in support of the claim of the petitioner being employed gainfully.

16. The finding that the petitioner is earning sufficiently to maintain herself is absolutely unsustainable and without any basis. Even as far as the minor daughter, the Court ought to have seen that for a minor girl aged approximately 5 years, as on the date of deciding the application for interim maintenance, would certainly require much more to meet her expenses for food, clothing, shelter as well as educational expenses. The learned Sub Judge, has also not awarded any amount towards litigation expenses as well and no reasons have been assigned by the learned Sub Judge, to disallow the claim for litigation expenses. Section 24 of the Hindu Marriage Act, 1955 entitles the wife to seek for interim maintenance as well as expenses to cover litigation costs.

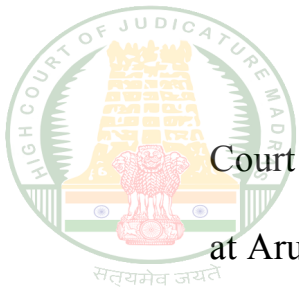


WEB COPY

17. In the light of the above discussion and considering the various documents that were exhibited by the petitioner as well as the respondent, I am inclined to allow the revision in C.R.P.No.1969 of 2025 by modifying the order of interim maintenance to Rs.25,000/-, Rs.12,500/- each to the petitioner and the minor daughter. It will be payable from the date of the filing of I.A.No.4 of 2022. The arrears shall be paid from the date of filing of the application for interim maintenance.

18. Coming to the order challenging the visitation rights given to the father, I am unable to countenance the submissions of the learned counsel for the petitioner/wife that the father should be totally denied any opportunity to interact with his minor daughter. As a natural father of the minor, the respondent is certainly entitled to interact with his minor daughter who admittedly is in the custody of the revision petitioner/wife. The disputes between the petitioner and the respondent cannot be a spoke for the bonding between the father and the daughter to develop and grow. The minor requires the love and affection of both the father as well as the mother.

19. However at the same time, the order passed by the Family

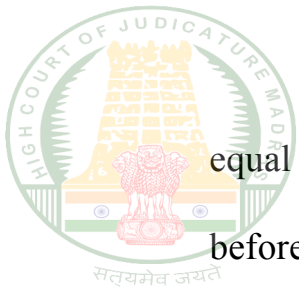


Court granting visitation rights between 10 a.m to 12 p.m every Sunday at Arulmiga Ekambaranathar Temple at Kancheepuram and directing the wife to accompany the child, is clearly unworkable and certainly not in the interest and welfare of the minor.

20. In the light of the above, I am inclined to modify the order of visitation rights in the manner following:

The respondent shall have the right to visit the child at the Legal Aid Centre situated within the compound Court complex at Kancheepuram on the first Saturday of every month and the last Friday of every month. The visitation rights would be available for 2 hours between 10 a.m and 12 p.m on the first Saturday and between 5 p.m and 6 p.m on the last Friday of every month. The visitation rights shall be under the supervision of a responsible Officer attached to the Legal Aid Centre, housed inside the compound Court complex at Kancheepuram.

21. As it is brought to my notice that even the nominal sum of Rs.10,000/- that has been directed to be paid by the respondent/husband remains unpaid as on date, despite the said order not being challenged, I hereby direct the respondent/husband to pay the entire arrears in three



equal monthly installments. The first installment shall be paid on or before 31.08.2025 and the second installment shall be paid on or before 30.09.2025 and the third installment shall be paid on or before 31.10.2025. The respondent shall also pay litigation expenses of Rs.20,000/- on or before 31.08.2025.

22. Subject to compliance of the first installment that is payment on or before 31.08.2025, the respondent shall be entitled to visitation rights as directed above for the month of September and similarly subject to compliance of payments required to be made in September and October, the respondent shall continue to enjoy the visitation rights for the months of October and November, 2025.

23. Considering that the OP is of the year 2021, I direct the learned Principal Subordinate Judge, Kancheepuram to dispose of the same on merits and in accordance with law within a period of six (6) months from the date of receipt of the copy of the order. It is also made clear that subject to compliance of the conditional order passed herein above and entire arrears being settled in terms of the modified interim maintenance awarded in C.R.P.No.1969 of 2025, the respondent shall be entitled to



continue to enjoy his visitation rights, till the disposal of the OP and the learned Sub Judge, depending on the report of Officer Child Care Center shall pass suitable orders with regard to the visitation rights at the time of disposal of the OP.

24. Accordingly, C.R.P. No.1969 of 2025 is partly allowed and C.R.P. No.2348 of 2025 is disposed of with the above directions. No costs.

01.08.2025

rkp

Index : Yes / No

Internet : Yes / No

To:

The Principal Subordinate Judge, Kancheepuram.



WEB COPY

CRP. PD. Nos.1969 & 2348 of 2025



P.B.BALAJI, J.,

rkp

Pre-delivery order in
CRP. PD. Nos.1969 & 2348 of 2025

01.08.2025