



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2025

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CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

C.R.P.No.2328 of 2025

and

C.M.P.No.13477 of 2025

Nivya

... Petitioner

Vs.

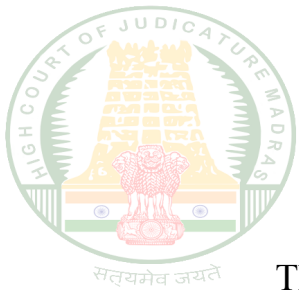
V.P.Vikram

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 08.04.2025 made in I.A.No.3 of 2024 in H.M.O.P.No.131 of 2020 on the file of the Family Court, Tirupur, insofar as the disallowed portion of maintenance prayed in I.A.No.3 of 2024 and enhance the maintenance amount by allowing this Civil Revision Petition.

For Petitioner : Mr.R.Prabakar

For Respondent : Mr.S.Chandrasekar



ORDER

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The petitioner/wife is on revision seeking enhancement of interim maintenance awarded by the Family Court, Tirupur.

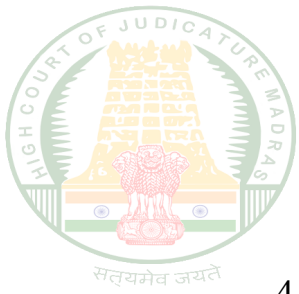
2. H.M.O.P.No.131 of 2020 has been filed by the respondent/husband for dissolution of marriage under Section 13(1)(ia) of the Hindu Marriage Act and the petitioner/wife has filed F.C.O.P.No.727 of 2024 seeking restitution of conjugal rights under Section 9 of the Hindu Marriage Act and there is yet another G.W.O.P.No.1422 of 2015 pending before the same Court, namely, the Family Court, Tiruppur. Pending H.M.O.P.No.131 of 2020, the petitioner/wife filed I.A.No.3 of 2024 seeking interim maintenance for herself and also for her minor children, who are aged about 16 and 17 years respectively. The said application was contested by the respondent/husband and both the petitioner/wife and the respondent/husband have filed their affidavits of income, assets and liability. Taking into account the admission of the respondent/husband that he is earning a sum of Rs.1,34,653/- per month, the trial Court has ordered interim maintenance to the tune of Rs.45,000/- [Rs.15,000/- to the wife and Rs.15,000/- each to the minor children]. Aggrieved by the said order of interim maintenance, the petitioner/wife is before this Court seeking enhancement of interim



maintenance.

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3. The learned counsel appearing for the petitioner/wife submits that the husband is earning approximately Rs.15,00,000/- per month and he runs Royal Export Business. Apart from this, it is claimed that he owns 18 acres of land. The learned counsel appearing for the petitioner further submits that in the case of ***Kulbushan Kumar vs. Rajkumari*** reported in ***1970 SCC (3) 129***, the Hon'ble Supreme Court of India has held that the wife would be entitled to get 1/4th of income of the husband. Relying on the said ratio laid down by the Hon'ble Supreme Court of India, the learned counsel appearing for the petitioner states that in the present case, besides the wife, there are also two minor children, the petitioner and the minor children are entitled to not less than ½ of the net income of the respondent/husband. The learned counsel also states that the respondent/husband has admitted his monthly net income as Rs.1,34,653/-. The learned counsel further submits that the petitioner/wife only is spending money for the educational expenses of the minor children and the respondent/husband has not contributed any single rupee. Therefore, the learned counsel appearing for the petitioner/wife seeks for enhancement of interim maintenance awarded by the Family Court, Tirupur.

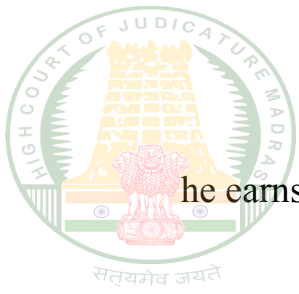


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4. Per contra, the learned counsel appearing for the respondent submits that the wife has suppressed the fact that she is employed and for the purpose of claiming interim maintenance, she has come forward with a false affidavit as if she is a homemaker. He would further submit that the order of interim maintenance passed by the Family Court does not require any interference. He would further submit that in the year 2021 and 2022, the petitioner/wife has purchased valuable immovable properties and she is capable of maintaining herself.

5. I have carefully considered the submissions made by the learned counsel on both sides and perused the materials available on record.

6. It is an admitted case of the respondent/husband that he is earning a monthly income of Rs.1,34,653/-. However, the income tax returns do not reflect the actual income of the respondent/husband as the respondent/husband has candidly admitted that his monthly net income setting apart a reasonable sum for his personal expenses, the respondent/husband can part with the remaining portion of the income that



he earns, towards maintenance of his wife and children.

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7. Admittedly, the children are aged about 16 and 17 years respectively and they are in their crucial years of their educational career. The petitioner has also furnished the term fees statement of the children which is roughly about Rs.1,03,500/-.

8. It is seen that the actual fee that is spent by the petitioner/wife to meet out the educational expenses alone is approximately about Rs.3,00,000/- per year to each of the minor children. The respondent is bound to meet the educational expenses of the children. Considering the above, I am inclined to allow this revision petition partly, by confirming the interim maintenance awarded to the petitioner/wife, but enhancing the interim maintenance awarded to the children to Rs.30,000/- each. In all, the respondent would be liable to pay a sum of Rs.75,000/- per month [Rs.15,000/- to the wife and Rs.30,000/- each to the minor children]. Considering the fact that H.M.O.P.No.131 of 2020 and F.C.O.P.No.727 of 2024 and G.W.O.P.1422 of 2015 are pending before the same Court and the evidence of the petitioner in H.M.O.P.No.131 of 2020 was concluded and it



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is yet to commence in F.C.O.P.No.727 of 2024, a direction is issued to the Family Court, Tirupur, to simultaneously try H.M.O.P.No.131 of 2020 along with F.C.O.P.No.727 of 2024 and G.W.O.P.No.1422 of 2015 and dispose of the same at any rate within a period of six months from the date of receipt of a copy of this order. The respondent/husband shall pay the arrears of maintenance within a period of eight weeks from the date of receipt of a copy of this order and shall continue to pay the interim maintenance as ordered by this Court.

9. Accordingly, this Civil Revision Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

17.06.2025

Speaking Order/Non-speaking Order
Index : Yes / No
Neutral Citation : Yes/No
ssb

To
The Family Court, Tirupur.



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P.B. BALAJI,J.

ssb

CRP.No.2328 of 2025 and
C.M.P.No.13477 of 2025

17.06.2025



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CRP NO. 2328 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-06-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP NO. 2328 of 2025

NIVYA
W/o V.P.Vikram, D/o R.Eswaramoorthy,
D.NO.13, R.R.Layout, Karuvampalayam,
Tiruppur 641 604

Petitioner(s)

Vs

V.P. Vikram
S/o V.J.Prasad, D.No.59, Sethumadai Road,
Vettaikaranpudur Post, Pollachi Taluk,
Coimbatore 642 129

Respondent(s)

For Petitioner(s):

R.Prabakar

For Respondent(s):

S. Chandrasekar

ORDER

At the instance of the learned counsel for the petitioner, the matter has been taken up today under the caption for “Being Mentioned”.

2. In Paragraph No.3 of the order, the name of the business has been stated as Royal Export Business, whereas, it should be **Coir Export Business** and in Paragraph 8, the time limit, within which, the matters have



P.B.BALAJI.,J.

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sr

to be disposed of has been mentioned as six months, instead of **four months**, which was originally agreed upon between the parties at the time of final hearing.

3. Registry is directed to carry out necessary correction and issue fresh copy.

4. In all other aspects, the order dated 17.06.2025 shall remain unaltered.

27-06-2025

To

1. V.P. Vikram

S/o V.J.Prasad, D.No.59, Sethumadai Road,
Vettaikaranpudur Post, Pollachi Taluk, Coimbatore 642
129

2. The Family Court, Tirupur.

3.

C.R.P.No.2328 of 2025

and

C.M.P.No.13477 of 2025