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CRP.No.2782 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

**CRP.No.2782 of 2023 and
C.M.P.No.17184 of 2023**

Prasanna @ Santhosh Kumar

... Petitioner

Versus

Suganya

... Respondent

PRAYER:- Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order dated 22.02.2023 passed by the learned Sub-Ordinate Judge, Chidambaram in I.A.No. 29 of 2022 in HMOP.No.83 2021.

For Petitioners : Mr.G.Pugazhenth

For Respondents : Mr.R.Surya Prakash

ORDER

The unsuccessful husband has preferred the present petition. The revision petitioner/husband has filed a petition for divorce on the ground of cruelty before the Sub-Court, Salem in HMOP.No.23 of 2019 and the same was transferred to the file of Subordinate Court, Chidambaram and renumbered as HMOP.No.83 of 2021. During the pendency of the said



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petition, the respondent/wife has filed an application in IA.No.29 of 2022 in HMOP.No.83 of 2021 under Section 24 of Hindu Marriage Act seeking interim maintenance for a sum of Rs.50,000/- to her and her minor child. Upon hearing on either side, the court below, vide order dated 22.02.2023, allowed the application in part directing the revision petitioner/husband to pay a sum of Rs.25,000/- as interim maintenance from the date of filing of the petition and also ordered to pay a sum of Rs.15,000/- as a cost to conduct the proceedings. Aggrieved over the same, the petitioner/husband has preferred the present civil revision petition.

2. The leaned counsel for the revision petitioner submitted that the court below ought to have considered the payment of Rs.15,000/- per month by the revision petitioner paying towards interim maintenance from the month of November 2019 till date as per the order of the learned IV Additional Family Judge, Chennai in MC.No.336 of 2019 dated 22.11.2019. The Court below ought not to have ordered to pay a sum of Rs.25,000/- towards interim maintenance and a sum of Rs.15,000/- towards litigation expenses on the ground that the revision petitioner had already been paying a sum of Rs.15,000/- per month to the respondent/wife. The Court below failed to



consider the fact that the respondent/wife is a BE graduate, got employment and earning a sum of Rs.50,000/- per month. The amount awarded under Section 125 of Cr.P.C is adjustable against the amount awarded in matrimonial proceedings under Section 24 of Hindu Marriage Act as alimony to wife. The learned counsel, to strength his contentions, has relied upon the judgment of the Hon'ble Supreme Court in the case of ***Rajnesh Vs Neha and another reported in Criminal Appeal No.730 of 2020*** while determining the amount of maintenance, the Court must taken into consideration the previous maintenance order in order to reduce or offset the amount. The learned counsel further submitted that respondent/wife is working as an Associate Head in a private concern, Chennai and drawing a salary of about Rs.1,00,000/- per month as she has vast experience in software field. The above said facts are suppressed by the respondent/wife deliberately in the petition for interim maintenance and affidavit for assets and liabilities. Hence, the respondent/wife is not entitled for any maintenance from the revision petitioner.

3. Per contra, the learned counsel for the respondent/wife submitted that the Court below has considered the interim maintenance being paid by



the revision petitioner for a sum of Rs.15,000/- per month as per the order passed in MC.No.336 of 2019. The revision petitioner is working at Bangalore in a private concern and he himself admitted that he is drawing a salary of Rs.1,38,528/- per month. The interim maintenance amount being ordered by the Court below is not sufficient even to meet the day-to-day expenses of the respondent/wife and to maintain her child. In order to establish the case of the revision petitioner, he has not chosen to file any documents.

4.Admittedly, the revision petitioner/ husband has been paying a sum of Rs.15,000/- per month towards interim maintenance from the month of November 2019 as per the order passed by the learned IV Additional Family Judge, Chennai in MC.No.336 of 2019. The Court below, while considering the documents produced by the revision petitioner with respect to his assets and liabilities, comes to the conclusion that the revision petitioner/ husband is drawing a salary of Rs.1,38,528/- per month. Considering the fact that the minor child is a school going child and the revision petitioner himself admitted that he is drawing a salary of Rs.1,38,528/- per month and the respondent/wife is also residing with her aged parents, in such circumstances,



the interim maintenance amount awarded by the Court below cannot be said to be excessive.

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5. It is also noted that even before the court below, the sum of Rs.15,000/- per month being paid by the revision petitioner as interim maintenance in MC.No.336 of 2019 was taken into consideration. In order to establish the case of the respondent/wife that she has been drawing a salary of Rs.1,00,000/- per month, he has not produced any documents.

6. It is apropos to mention that in Rajnesh's case cited supra, the Hon'ble Supreme Court held that there is no straight jacket formula for fixing maintenance and the Court has to waive the status of parties, reasonable needs of the wife and dependent children, their education qualifications, any independent source of income accruing to the wife and whether such income would be sufficient to enable the wife to maintain the same standard of living as she was accustomed to in the matrimonial home, whether the wife was employed before and after marriage, etc.

7. In view of the above, this Court finds no reason to interfere with the



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order of the court below. Accordingly, the Civil Revision Petition stands dismissed. The Court below is directed to dispose of the main case in HMOP.No.83 2021 as expeditiously as possible. No costs. Consequently, the connected miscellaneous petition is closed.

26.09.2025

Index : Yes/No
Speaking order : Yes/No
Neutral Case Citation : Yes/No
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To

The learned Sub-Ordinate Judge, Chidambaram

M. JOTHIRAMAN, J.

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