



CRP.Nos.2641 & 2655 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

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Order reserved on : 18.08.2025

Order pronounced on : 12.09.2025

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THE HON'BLE MR. JUSTICE P.B.BALAJI

CRP.Nos.2641 & 2655 of 2025
& CMP.Nos.14931 & 15006 of 2025

M.Krithika

..Petitioner in both CRPs

Vs.

J.Srikanth

..Respondent in both CRPs

Common Prayer: Civil Revision Petitions filed under Article 227 of Constitution of India, to set aside the judgment and decree passed in I.A.No.06 of 2022 in O.P.No.1954 of 2020 dated 21.11.2024 and I.A.No.09 of 2024 in O.P.No.1951 of 2021 dated 24.02.2025 on the file of the VI Additional Family Court Judge, Chennai.

For Petitioner : Mrs.K.Sumathi in both CRPs

For Respondent : Mr.S.Mahesh Kumar in both CRPs

COMMON ORDER

CRP.No.2641 of 2025 is filed by the petitioner/wife, challenging the order in I.A.No.06 of 2022, in and whereby, the application for interim



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maintenance for the minor child has been allowed partly, directing payment of a sum of Rs.25,000/-. The petitioner/wife seeks enhancement of the interim maintenance.

2.Insofar as CRP.No.2655 of 2025, the petitioner/wife also challenges the dismissal of the application filed by the petitioner in I.A.No.09 of 2024, seeking interim maintenance, at Rs.1,00,000/- per month, which has been negatived by the VI Additional Family Court, Chennai.

3.I have heard Mrs.K.Sumathi, learned counsel for the petitioner and Mr.S.Mahesh Kumar, learned counsel for the respondent in both the revisions.

4.Mrs.K.Sumathi, learned counsel appearing for the petitioner/wife in both the petitions would state that even when the respondent/husband was employed in India, he was earning not less than Rs.15 lakhs per annum and subsequently, he has shifted to Germany, which only indicates that he moved for better prospects and the Family Court ought to have seen that the respondent was getting a handsome income. She would also state that originally, the petitioner had sought only for Rs.50,000/- as interim maintenance, but however, an interlocutory application was taken out and the claim was revised to Rs.1 lakh.



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5. According to the learned counsel for the petitioner, the Family Court has erroneously proceeded to decide the application, as if the petitioner had claimed only Rs.50,000/-, totally ignoring the subsequent amendment in the prayer which was also allowed, enhancing the amount to Rs.1 lakh. She would also rely on the affidavit of assets and liabilities and the admission of the respondent in cross-examination that he was earning 70,000 EUR, after relocating to Germany. The learned counsel for the petitioner would therefore state that the Family Court has erred in appreciating the evidence on record, admissions of the respondent, while dismissing the application for interim maintenance insofar as the wife and awarding a mere sum of Rs.25,000/- for the minor child. She would further state that the wife is entitled to a comfortable living and the husband is expected to maintain the wife and minor child and without considering the object of Section 24 of the Hindu Marriage Act, according to the learned counsel for the petitioner, the Family Court has passed the impugned orders and she would therefore seek for the revisions being allowed.

6. Per contra, Mr.S.Mahesh Kumar, learned counsel for the respondent/husband, in both the revisionss would submit that both the parties



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have filed petitions before the Family Court, the wife seeking dissolution of marriage and the husband seeking restitution of conjugal rights. He would invite my attention to the order passed by this Court in CRP.No.4269 of 2024 on 08.11.2024, where this Court, taking note of the pendency of maintenance applications as well as inability of the husband to produce the pay slips, on account of the requirement of the employer to comply with German law relating to data protection, directed the Family Court to dispose of the main OPs within a period of three months and also observing that if the interim maintenance applications are disposed of, the husband would be required to clear all the arrears and continue to pay maintenance as fixed by the Family Court. The learned counsel for the respondent would therefore state that as ordered by the Family Court, the respondent has paid the maintenance amount and despite directions for expeditious disposal, the petitioner is protracting the proceedings.

7.The learned counsel for the respondent/husband would also invite my attention to the findings of the Family Court, where the Family Court has considered the gross income of 48,000 EUR per annum and non-production of Bank statement to prove the payment being made by the German employer and the Family Court having drawn adverse inference against the husband. He would also invite my attention to the order of the Family Court falling back on



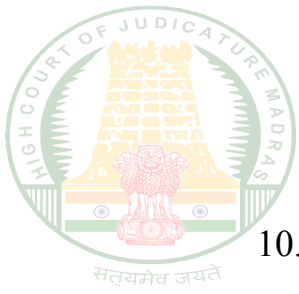
the object of awarding interim maintenance under Section 24 of the Hindu

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Marriage Act and taking note of the fact that when the respondent has voluntarily sent a sum of Rs.25,000/- to the wife, the said amount was refused and returned by the petitioner/wife. According to the learned counsel for the respondent, the Family Court also found that the petitioner has income of her own and she is also equally liable to maintain the minor child and under such circumstances, has, in and by a well reasoned order, dismissed the application insofar as the wife and ordered maintenance of Rs.25,000/- per month insofar as the minor child. He would therefore pray for the revisions being dismissed.

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

9.Dealing with the argument of the learned counsel for the petitioner that the Family Court has erred in proceeding on the basis that the claim of the wife was only Rs.50,000/- and did not factor the subsequent amendment seeking Rs.1 lakh per month, I am able to see from paragraph No.6 of the order that the Family Court has been conscious that in and by an order in I.A.No.14 of 2024, the amount of interim maintenance has been enhanced to Rs.1 lakh and similarly, litigation expenses has also been enhanced to Rs.1 lakh.



10. With regard to the other revision seeking enhancement of the maintenance awarded to the minor child, the case of the petitioner is that the child, in order to live comfortably requires substantial maintenance and the amount awarded by the Family Court is far below even reasonable amounts that would be required for maintaining the minor child. The Family Court has taken note of the fact that the petitioner/wife is employed and she also has an equal responsibility to contribute for the wellbeing and maintenance of the minor child. That part, the Family Court has taken into account multifarious factors in proceeding to award a sum of Rs.25,000/- per month towards interim maintenance for the minor child.

11. The petitioner/wife is admittedly earning a sum of Rs.1,25,000/- per month. Section 24 of the Hindu Marriage Act clearly indicates that the requirement to pay maintenance *pendente lite* arises only where the wife or the husband, as the case may be, has no independent income, sufficient for his or her support and necessary expenses of the proceeding. The maintenance amount is to be determined having regard to the petitioner's own income and the income of the respondent as well. Therefore, it is not a case where the petitioner / wife has no independent income of her own in the present case. It is only the question of sufficiency which was to be decided by the Family Court



and rightly, in my considered opinion, the Family Court has declined to award any interim maintenance to the wife.

12.It the admitted case of the petitioner that she is also earning, but however, her earning is not sufficient to meet the mounting expenses to maintain the minor child as well as herself. The petitioner, admittedly earns Rs.15 lakhs per annum. As rightly held by the Family Court, the object of awarding interim maintenance is only to ensure that the person seeking maintenance is provided with financial support, if the said person is dependent, only in order to prevent from destitution and vagrancy. Therefore, I do not find any infirmity in the order of the Family Court, dismissing the application for interim maintenance insofar as the petitioner/wife is concerned.

13.Coming to the other revision, where a sum of Rs.25,000/- has been ordered for the minor child, it is the case of the petitioner that the child aged four years, in order to live a decent and comfortable living, requires substantial maintenance amount and the amount awarded by the Family Court is far below even a reasonable amount that would be necessary for maintaining the minor child. The Family Court also found that the petitioner being employed is equally having a responsibility to contribute for the well being and maintenance



of the minor child and taking into account multifarious factors, has awarded a sum of Rs.25,000/- per month. I do not see that the award of interim maintenance for maintaining a four year old child has been low or improper. The Family Court has given valid reasons for arriving at the said sum of Rs.25,000/-. I do not see any justifiable grounds warranting interference with the said order of the Family Court awarding a sum of Rs.25,000/- towards interim maintenance to the minor child.

14.The minor is aged six years now and in my considered opinion, the interim maintenance awarded at Rs.25,000/- is certainly reasonable. The Family Court has also rightly observed that the mother is equally responsible for the up keep and maintenance of the minor child. I do not find any grounds made out warranting interference under Article 227 of Constitution of India.

15.Though it is contended by the learned counsel for the petitioner that the Family Court ought to have drawn adverse inference, on account of non-production of pay slips of a German employer and that nothing prevented the petitioner from giving consent for the employer to issue the pay slips, I find that the Family Court has factored the non-production of pay slips by the petitioner



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and has also drawn adverse inference, while passing orders in the interim maintenance applications.

16.It should be borne in mind that Section 24 application is only *pendente lite* maintenance and not permanent alimony that is contemplated under Section 25 of the Hindu Marriage Act. The factors that go into arriving at the quantum of interim maintenance are entirely different from what is required to be considered while arriving at permanent alimony where the income of the respondent would be the primary factor to be considered. The same cannot be however said insofar as an application under Section 24 is concerned, as the very object is to see whether the petitioner who seeks *pendente lite* maintenance is having sufficient income to support herself and nothing more. In the light of the above, I do not find that the orders of the Family Court require any interference.

17.Even insofar as the minor, six years now, the interim maintenance awarded at Rs.25,000/- is also certainly reasonable, since the Family Court has found that the mother is also responsible for the good keep and maintenance of the minor child. In view of the above and considering the fact that the OPs filed by the petitioner and the respondent have been directed to be disposed of



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expeditiously by this Court, even by order dated 08.11.2024, I do not see any

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justifiable grounds warranting interference under Article 227 of the Constitution of India.

18.This Court has already directed the OPs to be disposed of within a period of three months, even as early as on 08.11.2024. However, in view of the interim maintenance orders being challenged before this Court, the OPs have not been disposed of. Subject to the Family Court ensuring that the arrears of interim maintenance have been fully paid and continued to be paid, as directed in the order impugned in CRP.No.2641 of 2025, the Family Court shall proceed to dispose of the OPs, within a period of eight weeks from the date of receipt of a copy of this order.

19.In fine, the Civil Revision Petitions are dismissed with the above observation and direction. There shall be no order as to costs. Connected Civil Miscellaneous Petitions are closed.

12.09.2025

Speaking/Non-speaking order
Index : Yes/No
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The VI Additional Family Court, Chennai.



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P.B.BALAJI.J.

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Pre-delivery order made in
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