



CRP.(PD)No.4227 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2025

CORAM:

THE HON'BLE MR. JUSTICE M.JOTHIRAMAN

CRP.No.4227 of 2025
and CMP.No.21748 of 2025

Mr.Ganapathy Bandari

... Petitioner

vs.

Mrs.G.Hemalatha

.... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India as against the order dated 26.03.2025 in I.A.No.1 of 2024 in O.P.No.5085 of 2023 passed by the II Additional Principal Family Court at Chennai.

For Petitioner : M/s.P.Jesumopis Ravi

For Respondents : Mr.A.Charles Darwin

ORDER

Unsuccessful husband has preferred this petition. The respondent / wife, namely G.Hemalatha has filed a petition under Section under Section 13(1)(i), 13(1)(ia) of the Hindu Marriage Act, 1955 [in short “HM Act”] in H.M.O.P.No.5085 of 2023 on the file of the II Additional Family Court at



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Chennai seeking divorce. Pending divorce proceedings, the respondent / wife has filed an application in I.A.No.1 of 2024 in O.P.No.5085 of 2023 under Section 25 of the HM Act seeking direction to pay a sum of Rs.50,000/- per month to her as monthly maintenance. Upon hearing either side, the Court below, vide order dated 26.03.2025, has allowed the application in part and thereby directed the revision petitioner / husband to pay a sum of Rs.20,000/- per month towards interim maintenance to the respondent/wife from the date of filing of the petition i.e., 12.06.2024 till the disposal of the main original petition. It was also directed to pay interim maintenance amount to the wife on or before 5th day of every succeeding English Calendar month and also directed the petitioner / husband to pay the arrears of maintenance to the respondent within 2 months from 26.03.2025. Aggrieved over the same, the husband has filed the present Civil Revision Petition.

2. The learned counsel appearing for the revision petitioner would submit that the Court below has failed to appreciate the scope and nature of prayer sought for under Section 25 of the HM Act in I.A.No.1 of 2024 in O.P.No.5085 of



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2023 and the wife / respondent has not sought interim maintenance under Section 24 of the HM Act, but she has chosen to sought permanent maintenance under Section 25 of the HM Act. The learned counsel for the revision petitioner would further submit that Section 25 of the HM Act deals with permanent alimony and maintenance and therefore, the order impugned is not in consonance with Section 24 of the Hindu Marriage Act and the same is liable to be set aside.

3. In response, the learned counsel appearing for the respondent/wife would submit that due to typographical mistake instead of mentioning Section 24 of HM Act, Section 25 of the HM Act has been mentioned and in the petition filed in I.A.No.1 of 2024, it has been clearly mentioned as Section 25 of the HM Act and the Court below also in its decreetal order has clearly mentioned as Section 25 of the HM Act alone.

4. Heard both sides and perused the materials available on record.



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5. At this juncture, it is relevant to refer Sections 24 and 25 of the Hindu Marriage Act, 1955, which reads hereunder:

“Section 24. Maintenance pendente lite and expenses of proceedings:- Where in any proceeding under this Act it appears to the Court that either the wife or the husband, as the case may be, has no independent income sufficient for her or his support and the necessary expenses of the proceeding, it may, on the application of the wife or the husband, order the respondent to pay to the petitioner the expenses of the proceeding, and monthly during the proceeding such sum, as having regard to the petitioner's own income and the income of the respondent, it may seem to the Court to be reasonable.

[Provided that the application for the payment of the expenses of the proceeding and such monthly sum during the proceeding, shall, as far as possible, be disposed of within sixty days from the date of service of notice on the wife or the husband, as the case may be].

Section 25. Permanent alimony and maintenance – (1) Any Court exercising jurisdiction under this Act may, at the time of passing any decree or at any time subsequent thereto, on application made to it for the purpose by either the wife or the husband, as the case may be, order that the respondent shall pay to the applicant, for her maintenance and support and such gross sum or such monthly or periodical sum for a term not exceeding the life of the applicant as, having regard to the respondent's own income and other property, if any, the income and other property of the applicant and the conduct of the parties, it may seem to the Court to be just, and any such payment may be secured, if necessary, by a charge on the immovable property of the respondent.

(2) If the Court is satisfied that there is a change in the circumstances of either party at any time it has made an order under sub-section (1), it may, at the instance of either party, vary, modify or rescind any such order in such manner as the Court may deem just.

(3) If the Court is satisfied that the party in whose favour an



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order has been made under this Section has remarried or, if such party is the wife, that she has not remained chaste, or if such party is the husband, that he has had sexual intercourse with any women outside wedlock, it shall rescind the order.”

6. Section 24 of HM Act provides for the relief of maintenance pendente lite and litigation expenses to a wife who is unable to maintain herself during the pendency of the proceedings.

7. At this juncture, it is relevant to cite the judgment of the Hon'ble Supreme Court in *Amarjit Kaur v. Harbhajan Singh [(2003) 10 SCC 28]* wherein it was held that relevant consideration for grant of maintenance pendente lite is that the spouse seeking maintenance should not have independent income sufficient for her / his support. Once Court reaches its conclusion in that regard, it has to grant maintenance and only discretion left with the Court is with regard to quantum of maintenance.

8. It is also pertinent to mention that as per Section 25 of the HM Act, the Court may grant permanent maintenance and permanent alimony at the time of passing any decree i.e., while disposing of the main petition. It is also well



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settled that the parties cannot be penalised for quoting wrong provisions by the learned counsel for the parties concerned. In view of the above circumstances, it is open to the respondent/wife to take a call to rectify / modify the correct provision by moving appropriate application before the Court below in the manner known to law. It is also made clear that this Court has not expressed any view on the merits of the matter.

9. With the above observations, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

13.10.2025

Intex : Yes/No
Internet : Yes/No
Jvm

To
II Additional Principal Family Court,
Chennai.

M.JOTHIRAMAN, J.



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