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C.R.P.No.2914 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2025

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

C.R.P.No.2914 of 2025

and

CMP.No.16437 of 2025

S.Surekha

...Petitioner

Vs.

Sakthivel

...Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the portion of the order of the IIIrd Additional Principal Family Court, Chennai made in I.A.No.4 of 2024 in HMOP.No.1036 of 2023 in so far as rejecting the petitioner claim for interim maintenance was concerned.

For Petitioner : Mr.Venkataswamy Babu

ORDER

Heard the learned counsel for the petitioner.



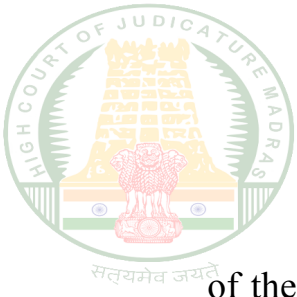
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2. The petitioner is the wife who had filed an application in I.A. No.04 of 2024 seeking interim maintenance under Section 24 of the Hindu Marriage Act for herself and her minor child. The Family Court, on enquiry, disallowed the claim of the petitioner and proceeded to award interim maintenance at the rate of Rs.10,000/- to the minor child alone. Aggrieved by the same, the petitioner / wife is before this Court.

3. The learned counsel for the petitioner, taking me through the impugned order, states that though the learned Family Court had taken note of the fact that the petitioner is unemployed, it proceeded to disallow the claim for interim maintenance on the ground that the petitioner holds a degree and is capable of earning her livelihood, and hence need not depend on her husband.

4. On going through the affidavit filed in support of I.A.No.04 of 2024, the counter affidavit filed by the respondent, as well as the affidavits of assets and liabilities filed on either side, I find that it was the contention



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of the respondent / husband that the petitioner / wife is gainfully employed and is earning Rs.40,000/- per month, and that her mother and grandmother are also receiving pensionary benefits. Therefore, he claimed, there is no necessity for the petitioner to be paid any maintenance by the respondent / husband.

5. However, the respondent was not able to establish any of his contentions during the enquiry of the application. The Family Court has also rightly found that the petitioner is unemployed. However, merely because she is a degree holder, interim maintenance cannot be denied.

6. The status of the parties as on the date of filing of the application has to be considered by the Family Court. The Family Court ought not to have directed the petitioner to continue without any interim maintenance, especially when it is her categorical case that she depends on her mother and grandmother even for her basic needs.



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7. Admittedly, the respondent is earning a sum of Rs.55,000/- per month. Though the respondent has claimed that he has resigned from his job, the Family Court has found that the respondent continues to receive credits from the company, namely Deluxe Bearings Private Limited. The reasons assigned by the Family Court for disallowing the interim maintenance to the petitioner, who is unemployed and has to take care of a minor child aged four years, are not sustainable. The Family Court has clearly committed an error in dismissing the application insofar as the petitioner/ wife is concerned.

8. In light of the above, and moreso since the respondent has not chosen to enter appearance before this Court despite service of notice in the above revision, I am inclined to set aside the order of the Family Court and direct the respondent to pay a sum of Rs.10,000/- towards interim maintenance to the petitioner / wife, apart from Rs.10,000/- per month already ordered towards the interim maintenance of the minor child.



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9. This Civil Revision Petition is partly allowed. No costs.

Consequently, connected Civil Miscellaneous Petition is closed.

25.08.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

Internet : Yes / No

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To

The learned III Additional Principal Family Court, Chennai.



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P.B.BALAJI. J,

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