



C.R.P. (PD) Nos.3401 and 2323 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 19.08.2025

PRONOUNCED ON : 04.09.2025

CORAM:

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

C.R.P. (PD) Nos.3401 and 2323 of 2025

and

C.M.P. No.18578 of 2025

K. Naresh

... Petitioner in
C.R.P. No.3401 of 2025 /
Respondent in
C.R.P. No.2323 of 2025

vs.

D. Suganya

... Respondent in
C.R.P. No.3401 of 2025 /
Petitioner in
C.R.P. No.2323 of 2025

Prayer in C.R.P. No.3401 of 2025 : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order, dated 16.04.2025 in I.A. No.02/2024 in H.M.O.P. No.4102 of 2023 passed by the learned VI Additional Family Court at Chennai by allowing this Civil Revision Petition.

Prayer in C.R.P. No.2323 of 2025 : Civil Revision Petition filed under Article 227 of the Constitution of India to allow the CRP and enhance the interim maintenance amount from Rs.8,000/- to Rs.14,500/- for the appellant by setting aside the order, dated 16.04.2025 made in I.A. No.2



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of 2024 in O.P. No.4102 of 2023 passed by the VI Additional Principal Judge, Family Court, Chennai.

For Petitioner
in C.R.P. No.3401 of 2025 /
For Respondent in
C.R.P. No.2323 of 2025

: Mr. M.D. Thirunavukkarasu

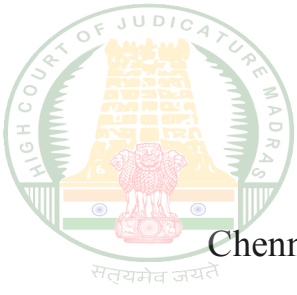
For Respondent in
C.R.P. No.3401 of 2025 /
For Petitioner in
C.R.P. No.2323 of 2025

: Mr.R.Y. George Williams

COMMON ORDER

These revisions have been filed by the husband and wife respectively, challenging the order of interim maintenance awarded by the VI Additional Principal Judge, Family Court, Chennai in I.A. No.2 of 2024 in O.P. No.4102 of 2023.

2. The H.M.O.P. No.4102 of 2023 has been filed by the husband for dissolution of the marriage. Pending the said H.M.O.P., the wife has filed I.A. No.02 of 2024 seeking interim maintenance to be awarded. After enquiry, the learned VI Additional Principal Judge, Family Court,



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Chennai, has ordered a sum of Rs.8,000/-, to be paid by the husband as interim maintenance. Challenging the said sum as excessive, the husband has filed C.R.P. No.3401 of 2025 and the wife claiming that the said award needs to be enhanced has filed C.R.P. No.2323 of 2025.

3. I have heard Mr.M.D. Thirunavukkarasu, learned counsel for the petitioner /husband and Mr.R.Y. George Williams, learned counsel for the respondent/ wife.

4. The marriage between the parties is admitted. It is also admitted that the parties are living separately and the wife is living with her parents and also a son born through the first husband. According to the wife, the husband has not maintained her and she is forced to depend upon her father for even basic needs. Under the said circumstances, the wife has sought for interim maintenance.

5. The said application was resisted by the husband contending that the wife's parents are very affluent and they are not only taking care of the daughter, wife of the petitioner, but also the grand son, born



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through the earlier marriage of their daughter. It is therefore contended by the learned counsel for the husband that no maintenance needs to be awarded, as the wife is already self sufficient.

6. However, Mr.R.Y. George Williams, learned counsel for the respondent wife, state that even from the bank account that was filed by the husband in support of his affidavit of assets and liabilities, it can be seen that there is a substantial inflow and apart from the salary i.e., is being paid to the husband, he is also getting regular income from other sources and the same have not been factored by the Family Court, while awarding a sum of Rs.8,000/-p.m. as interim maintenance. He would also state that with the said sum of Rs.8,000/-p.m., the wife cannot sustain herself in today's economic scenario. He would therefore pray for the award being enhanced to Rs.14,500/-p.m. as sought for in I.A. No.2 of 2024.

7. I have carefully considered the submissions advanced by the learned counsel for the petitioner husband as well as the respondent wife.

8. As against the interim maintenance award of Rs.8,000/-p.m., both the husband and wife being dissatisfied, for various reasons, have filed their respective revision petitions seeking modification.



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9. It is not in dispute that the wife is unemployed. The marriage is also admitted. The factum of separation is also not denied by the parties. It is the contention of the husband that the parents of the wife are affluent and she is being well taken care and therefore does not require any amount to be paid by the husband.

10. Per contra, it is the contention of the wife that the husband is earning a handsomely and considering the income accruing to him, even from his own showing from the bank account, a sum of Rs.14,500/-p.m., sought for by the wife, would be just and reasonable. The Family Court, after considering the respective contentions and also the affidavit of assets and liabilities filed by the husband as well as the wife found that the husband is earning a sum of Rs.24,783/- on an average as his monthly salary. The Family Court has also noticed that the husband has availed a loan from HDFC Bank, in respect of which, he is servicing EMI to the tune of Rs.3,700/-p.m. Though the Family Court has taken the salary of the husband as Rs.24,783/-p.m., arriving at it on an average basis, the Family Court has failed to note that the admission of the husband in his Affidavit of Assets and Liabilities that his monthly salary is Rs.27,000/-. Even otherwise having noticed that apart from the salary even for the



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month of January 2025, the husband has an inflow of Rs.2,85,670/- and similarly substantial amounts ranging from Rs.16,452/- to Rs.42,971/- between October 2024 and December 2024, the Family Court has proceeded to award interim maintenance, taking the monthly salary alone i.e., Rs.24,783/-, which too has been arrived at on an average basis.

11. I find that the husband has admitted his income to be Rs.27,000/- p.m. The husband is not maintaining any dependant children and it is also not his case that he has to take care of other dependants in the family. It is also noticed that apart from the salary, the husband has been getting regular and substantial inflow every month into the bank account, ranging from Rs.16,452/- to Rs.2,85,670/-. Though the husband claims that he has been taking loans and only in order to meet EMIs, he has borrowed monies from his friends and acquaints, there is nothing to substantiate such self serving claims.

12. In view of the above and also considering the income of the husband, a sum of Rs.10,000/-p.m. would be just and reasonable to be paid to the wife towards interim maintenance which would be sufficient for the wife to take care of herself. The fact that the father of the wife is maintaining her daughter can never be a ground to deny maintenance



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payable by the husband to the wife. Therefore, the revisions are disposed

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i) The revision viz., C.R.P. No.3401 of 2025 filed by the husband seeking reduction of the maintenance award from Rs.8,000/-p.m. is dismissed.

ii) The revision viz., C.R.P. No.2323 of 2025 filed by the wife is partly allowed, and the interim maintenance award is enhanced to Rs.10,000/- p.m. from Rs.8,000/-p.m.

iii) The arrears of maintenance at the rate of Rs.10,000/- shall be paid, within a period of six weeks from the date of receipt and the husband shall continue to pay the same, till disposal of the H.M.O.P. No.4102 of 2023.

No costs. Consequently, connected miscellaneous petition is closed.

04.09.2025

Internet: Yes/No
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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P.B. BALAJI, J.

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To
The VI Additional Family Court
Chennai.

PRE-DELIVERY ORDER
IN
C.R.P. (PD) Nos.3401 and 2323 of 2025
and
C.M.P. No.18578 of 2025

04.09.2025