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CRP.No.5362 and 5921 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.5362 & 5921 of 2025 and
CMP.No.26934 of 2025

In CRP.No.5362 of 2025

P.Gokulakrishnan

... Petitioner

Vs.

N.Komaleeshwari

...Respondent

PRAYER : Civil Revision Petition filed Article 227 of Constitution of India, praying to set aside the order passed in IA No. 4 of 2024 in H.M.O.P. No. 713 of 2023 on the file of the Learned VII Additional Principal Judge, Family Court at Chennai dated 16.05.2025.

For Petitioner

: Mr.S.Krishnamoorthy
for M/s.D.Hemapriya

For Respondent

:Mr.K.Karthikeyan
for Mr.S.B.Viswanathan

In CRP.No.5921 of 2025

N.Komaleeshwari

... Petitioner



CRP.No.5362 and 5921 of 2025

Vs.

P.Gokulakrishnan

...Respondent

PRAYER : Civil Revision Petition filed Article 227 of Constitution of India, praying to enhance the interim maintenance of Rs.12,000/- per month ordered by the VII Additional Family Court, Chennai in the order and decree passed in I.A.No.4 of 2024 in H.M.O.P.No.713 of 2023 dated 16.05.2025, by directing the respondent to pay Rs.50,000/- towards interim maintenance to the petitioner and the minor child.

For Petitioner	: Mr.K.Karthikeyan for Mr.S.B.Viswanathan
For Respondent	: Mr.S.Krishnamoorthy for M/s.D.Hemapriya

COMMON ORDER

These two civil revision petitions are filed challenging the quantum of interim maintenance fixed by the VII Additional Family Court, Chennai in a petition filed under Section 24 of the Hindu Marriage Act.

2. The CRP.No.5362 of 2025 has been filed by husband seeking reduction of interim maintenance fixed by the family court. The CRP.No. 5921 of 2025 has been filed by wife seeking enhancement of interim maintenance.



3. The petitioner in CRP.No.5362 of 2025 hereinafter referred to as husband filed main OP seeking divorce against the petitioner in CRP.No. 5921 of 2025 hereinafter referred to as wife.

4. Pending main OP, the wife filed application seeking interim maintenance at the rate of Rs.50,000/- per month. According to wife, her husband deserted her and her child without any reasonable cause and failed to maintain them. It was also stated in the petition that husband was working in Bank of America and earning a sum of Rs. 60,000/- per month. The wife also admitted that she was working as Deputy Manager(Digital Marketing) in M/s.Star Health Insurance and earning a net salary of Rs.42,135/-.

5. The petition for interim maintenance was opposed by husband on the ground that wife was gainfully employed and hence, she was not entitled to any maintenance. It was also stated that wife lodged a false complaint against her husband and hence, he left the job. It was also claimed that the husband was depending on the income of his parents for day-to-day expenses and hence, he could not pay any maintenance amount.



6. The Family Court, after perusing the affidavit of assets and liabilities filed by the respective parties and also the document produced for perusal, fixed the interim maintenance at the rate of Rs.12,000/- per month. Aggrieved by the same, these two revision petitions are filed.

7. The learned counsel for the husband submitted that presently, husband is unemployed and depending on the income of his parents and in such circumstances, the quantum of interim maintenance fixed by the family court was excessive. He also referred to the resignation letter of the husband dated 30.06.2023 filed in the additional typed set of papers dated 05.11.2025 in support of his claim that husband resigned the job. It is also stated by the learned counsel for the husband that at present, the husband is working as Software Engineer in Resileo Labs LLP and as per the payslip issued for the month of October 2025, his monthly income was Rs.35,200/-.

8. The learned counsel for the wife submitted that husband is under obligation to maintain his child, who is living with wife. It is also stated that the husband failed to produce any acceptable documents for proving the fact of quitting his job and therefore, the amount of Rs.12,000/- per month awarded by the family court is very meager having regard to the income of the husband.



9. A perusal of the affidavit of assets and liabilities filed by the husband would indicate that his monthly expenses towards food, medical and other expenses was mentioned as Rs.15,000/-. Though the husband claimed in his affidavit of assets that he was unemployed, a perusal of the statement of accounts filed by the husband would indicate that he received salary in the range of Rs.32,000/- to Rs.40,000/- till February 2023. There are also other entries regarding deposit of Rs.21,700/- every month. However, it was stated by the learned counsel for the husband that a sum of Rs. 21,700/- was deducted by the bank erroneously towards EMI and then, credited. However, there is no evidence to substantiate the said fact.

10. A perusal of the payslip filed in the additional typed set of papers would indicate that the husband is employed as Software Engineer in Resileo Labs LLP and earning a sum of Rs.35,200/-. The husband is an M.Sc., (Computer Science) degree holder and he is having income in the range of Rs.35,000/- and above per month.

11. It is admitted by wife that she is employed as Deputy Manager(Digital Marketing) in M/s.Star Health Insurance and receiving a net salary of Rs.42,135/-. Since the wife is gainfully employed and getting equal amount of salary, she cannot be treated as a person unable to maintain herself.



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Therefore, she is not entitled to any maintenance as on today. However, both wife and husband are equally bound to maintain the child, who is at present with the wife.

12. Having regard to the income of the respective spouses, this Court feels that husband shall be directed to pay a sum of Rs.11,000/- per month towards maintenance of child. The said amount shall be paid by him from the date of filing of the application under Section 24 of Hindu Marriage Act ie., from 11-03-2024.

13. In view of the above said modification in the quantum of interim maintenance payable by the husband, the CRP.No. 5362 of 2025 is partly allowed as stated above and CRP.No. 5921 of 2025 is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

10.12.2025

Index : Yes / No
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To

The VII Additional Principal Judge, Family Court, Chennai

S.SOUNTHAR , J.

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