



WEB COPY

CRP No. 3605 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 3605 of 2024

AND

CMP NO. 19553 OF 2024

1. VINITHA

W/o.Sabaresan, D.No.2/55

G.Nagamangalam Village, Jagadevi

Post, Bargur Tk., Krishnagiri Dist - 635

203.

Petitioner

Vs

1. SABARESAN

S/o.Venkatesan, D.No.4/324,

Kamakkalapatti Village, Angampatti

Post, Pochampalli Tk., Krishnagiri Dist

- 635 206.

Respondent

PRAYER

The civil revision petition is filed under Article 227 of the Constituion of India praying to set aside the fair and decreetal order of the Family Judge, Krishnagiri in IA.No.3/2024 in OP.No183/2023 dated 20-06-2024.



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For Petitioner(s): K.Venkatasubban

For Respondent(s): Mr.P.Kannan Kumar

ORDER

Heard Mr. K. Venkatasubban, learned counsel for the petitioner, and Mr. P. Kannan Kumar, learned counsel for the respondent.

2.The wife, who filed an application for interim maintenance in I.A. No. 3 of 2024, has filed the present revision petition seeking enhancement of the maintenance amount awarded by the Family Court, Krishnagiri.

3.Mr. K. Venkatasubban, learned counsel for the revision petitioner, invited the attention of this Court to the counter affidavit filed by the respondent in the maintenance application, wherein the respondent has stated that he earns a sum of Rs.24,000/- per month, with an opportunity to earn an additional sum of Rs.20,000/- depending on monthly sales targets. However, the respondent has also averred that he has availed loans to the tune of Rs.36,47,592/- from various banks, for which he is paying EMIs amounting to Rs.57,000/- per month.



Additionally, he contends that he is paying a monthly rent of Rs.15,000/- for his accommodation in Bangalore.

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4. Taking into consideration the averments set out by the respondent/husband regarding his liabilities and monthly financial commitments, the Family Court directed payment of a total sum of Rs.8,000/- as interim maintenance to the petitioner and the minor daughter in all.

5. The learned counsel for the respondent, however, submits that the respondent is only assisting his father, in repayment of the loans on the house property, and further claims that he is also taking care of his aged parents, being the only son.

6. As rightly contended by the learned counsel for the petitioner, when the respondent has been capable of raising loans to the tune of Rs.36 lakhs, it is to be noted that banks normally sanction loans only based on the income proof of the applicant. Therefore, the contention of the respondent that he earns only Rs.24,000/- per month, with an additional income of Rs.20,000/- for four or five months in a year based on sales targets, cannot be on the face of it believable.



This assertion appears implausible, particularly when, by his own admission, he

is repaying a monthly EMI of Rs.56,000/- towards loan accounts, apart from

paying Rs.15,000/- per month as rent for his accommodation.

7. In light of the above, this Court is of the view that the Family Court erred in awarding only a sum of Rs.8,000/- in total, to the petitioner and the minor daughter. Considering the prevailing cost of living and the admitted fact that the respondent/husband is paying an EMI of Rs.56,000/- per month, apart from a monthly rent of Rs.15,000/-, the income which is stated by the respondent is certainly not a true statement made in the counter affidavit. Further, the respondent has not filed any affidavit disclosing his assets and liabilities. The Family Court ought to have drawn an adverse inference against the respondent for withholding material financial information.

8. In such circumstances, I am inclined to modify the order of the Family Court by enhancing the interim maintenance to Rs.18,000/- per month [Rs.8,000/- to the wife and Rs.10,000/- to the minor daughter]. The arrears of maintenance shall be paid within a period of two months from the date of receipt of a copy of this order. The amount of Rs.6,000/- awarded towards



litigation expenses is confirmed.

WEB COPY 9. The Family Court is directed to proceed with HMOP No.183 of 2023, subject to the condition that the respondent settles the entire arrears of maintenance at the enhanced rate as ordered in this civil revision petition within the stipulated period of two months. Upon such compliance, the Family Court, Krishnagiri, shall dispose of HMOP No.183 of 2023 within a period of six months thereafter. No costs. Consequently the connected miscellaneous petition is closed.

08-07-2025

jrs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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P.B.BALAJI J.

jrs

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To
The Judge, Family Court, Krishnagiri.

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