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C.R.P.No.4183 of 2025 and
C.M.P.No.21486 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

C.R.P.No.4183 of 2025

and

C.M.P.No.21486 of 2025

Mohanbabu

... Petitioner

Versus

Kothainayagi

... Respondent

Prayer:- Civil Revision Petition filed under Section 227 of Constitution of India, against the order dated 25.04.2025 in I.A.No.1 of 2024 in HMOP No.4262 of 2023 passed by the IV Additional Family Court, Chennai.

For Petitioner : Mr.S.Thiruvengadam

For M/s.D.Aruna

For Respondent : Mr.R.Ragavendran

ORDER

The unsuccessful petitioner-husband has preferred this petition.

2. The revision petitioner-husband filed H.M.O.P. No. 4262 of 2023, pending on the file of the IV Additional Family Court, Chennai, seeking dissolution of the marriage. The respondent-wife filed an application in I.A. No. 1 of 2024 under Section 24 of the Hindu Marriage Act, directing the

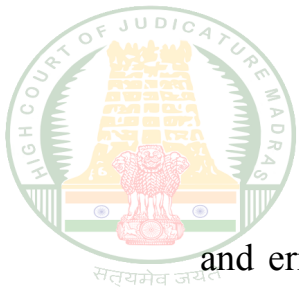


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respondent to pay a sum of Rs.1,00,000/- per month towards interim maintenance from the date of filing of the petition and Rs.10,000/- towards litigation expenses.

3. Upon hearing both sides, the Court below, by order dated 25.04.2025, partly allowed the petition and directed the revision petitioner/husband to pay a sum of Rs.15,000/- per month to the wife and Rs.20,000/- per month to the child towards their interim maintenance from the date of filing of the petition till the disposal of the main petition. Aggrieved by the same, the petitioner-husband has preferred the present Civil Revision Petition.

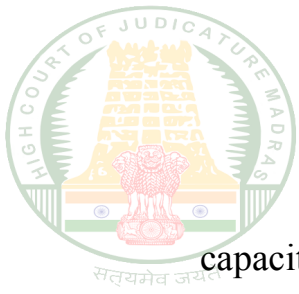
4. The learned counsel appearing for the revision petitioner submitted that the Court below ought to have considered the affidavit of assets and liabilities wherein the petitioner stated that he had failed in the 10th standard, spends Rs.10,000/- per month, and that his 70-year-old mother is dependent on him. His son is in his custody. The petitioner is a daily wage worker earning Rs.10,000/- per month and owns a property measuring 150 sq. ft., which was purchased through a loan. These facts demonstrate his limited financial capacity. However, the learned Judge failed to appreciate the same



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and erroneously directed the petitioner to pay Rs.15,000/- per month to the wife and Rs.20,000/- per month to the child, which is unjust and unsustainable in law. The Court below erroneously treated the sum of Rs.5,00,000/- and Rs.2,00,000/-, which were loans obtained for constructing the first floor of the respondent's house, as income, and passed the impugned order on that basis. The Court below ought not to have relied on the unsubstantiated statement of the respondent-wife that the revision petitioner is employed in a private company and engaged in money lending ("Kanthu Vatti") business, without any supporting documentary evidence. It also failed to consider that the revision petitioner is the sole caretaker of his aged and ailing mother, who is entirely dependent on him. The revision petitioner-husband further submitted that he is already paying Rs.10,000/- per month towards his son's expenses. He is not earning as alleged by the respondent. He goes door-to-door selling women's garments and earns only a meagre income.

5. Per contra, the learned counsel appearing for the respondent-wife submitted that the petitioner neglected both his wife and son, and she alone has been contributing towards the child's needs according to her financial



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capacity. The learned counsel further submitted that the child is undergoing treatment at Kanchi Kamakoti Child's Trust Hospital, Nungambakkam, Chennai, and that more than Rs.20,000/- is spent every month on his treatment and essential medicines. Being the husband, the respondent has a legal obligation to maintain his wife and child and to meet their day-to-day needs, including medical expenses. Upon considering the materials placed before it, the Court below directed the petitioner to pay Rs.15,000/- per month to the wife and Rs.20,000/- per month to the child, taking into account the age and health condition of the child, and finding does not warrant any interference by this Court.

6. It is seen from records in the affidavit filed by the wife in support of the interim maintenance petition, it is stated that the marriage between the respondent-wife and the petitioner-husband was solemnized on 25.03.2016 as per Hindu rituals and customs at S.P. Mahal, Agaram, Chennai – 600 082. It is further stated that a male child, Kesavabau, was born on 06.03.2017. The said child is a special child diagnosed with cerebral palsy. The wife alone has been taking care of the child. Knowing the condition of the child, the petitioner neglected both the wife and the child. It is also stated that the

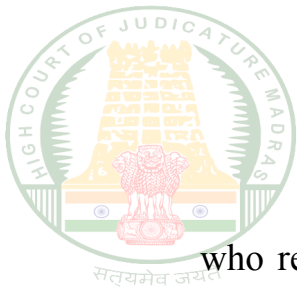


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revision petitioner is employed in a reputed private concern and is engaged in finance (money lending) business, popularly known as “Kanthu Vatti Mohan.” Further, he owns two houses and earns Rs.1,00,000/- per month as rental income. Thus, his total income exceeds Rs.3,00,000/- per month, apart from the income earned through his garment business.

7. Per contra, the revision petitioner filed his objections stating that he has been consistently providing Rs.10,000/- per month towards the maintenance of his wife and child. He contended that any additional financial burden beyond this amount would severely affect his ability to meet his mother’s medical and maintenance expenses. He further contended that he regularly purchases medicines for the sick child with the income earned from selling clothes door-to-door and that, despite his meagre income, he pays Rs.10,000/- per month towards family maintenance.

8. From the records, it is seen that as per the bank statement from 31.03.2022 to 31.12.2024, the closing balance as on 31.12.2024 was Rs.11,133/-, with total credits of Rs.7,03,442/- and total debits of Rs.7,40,883/-. There is no dispute between the parties regarding their marriage or the birth of their child. Admittedly, the child is a special child



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who requires utmost care and affection from both parents. According to the petitioner, after knowing the condition of the child, the respondent neglected them, and the wife started living separately from 13.11.2018. The petitioner claims to have been spending Rs.20,000/- per month towards the medical expenses of the minor child. The respondent, however, denied this and contended that he bears the child's medical expenses. The petitioner further states that he pays Rs.10,000/- per month towards the child's expenses. Upon considering the documents produced by both sides and taking into account the facts and circumstances of the case, the Court below has rightly and partly allowed the petition. There are no grounds warranting interference with the order of the Court below, and the same is liable to be dismissed.

9. Accordingly, this ***Civil Revision Petition is dismissed.*** No costs. Consequently, the connected C.M.P. is closed.

26.09.2025

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Speaking order : Yes/No
Neutral Case Citation : Yes/No

To

The IV Additional Family Court, Chennai.

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M.JOTHIRAMAN,J.,

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