



C.R.P.(PD)No.4130 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :07.04.2025

Coram:

THE HONOURABLE Ms. JUSTICE P.T.ASHA

C.R.P.(PD)No.4130 of 2024

and

C.M.P.No.22661 of 2024

S.Preethika @ Vijayalakshmi
Aged 31 years,
residing at Old No.4/112,
New No.4/179
Balaji Nagar, Iyappanthangal,
Chennai 602 101.

..Petitioner/Petitioner/Respondent 1

/versus/

1.L.Vetrivel,
S/o D.Loganathan,
Door No.91/1, South Mada Street,
Nar Mari Amman Koil Street,
Kovur,Chennai 600 128.

.. Respondent 1/Respondent 1/Petitioner

2.K.Boobalan,
S/o Mr.Kiruba,
No.5/86, Sanathi Street,
Kovur, Chennai 600 128.
(Given up)

..Respondent 2 /Respondent 2/Respondent



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WEB COPY Civil Revision Petition has been filed under Article 227 of the Constitution of India praying to enhance the interim maintenance order dated 28.03.2024, passed in I.A.No.2 of 2023, pending on the file of the Principal Subordinate Judge, Kanchipuram in H.M.O.P.No.42 of 2021.

For Petitioner :Mr.G.Babu

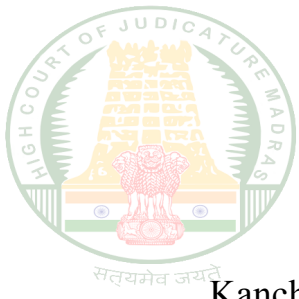
For Respondents :Mr.V.Chandrakanthan for R1

R2-Served-No appearance

ORDER

Challenging the maintenance awarded to his minor children by the learned Principal Subordinate Judge, Kanchipuram in I.A.No.2 of 2023 in H.M.O.P.No.42 of 2021, the 1st respondent/husband is before this Court.

2.The 1st respondent had filed H.M.O.P.No.42 of 2021 seeking dissolution of the marriage between himself and the petitioner herein. Pending the said petition, the revision petitioner herein filed an application in I.A.No.2 of 2023 seeking monthly maintenance of Rs.20,000/- for herself, Rs.25,000/- for her two minor children and a sum of Rs.25,000/- towards legal expenses. The learned Principal Subordinate Judge,



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Kanchipuram, after considering the evidence and arguments on both sides, refused to grant maintenance to the revision petitioner on the ground that she is employed and earning a sum of Rs.15,000/-per month. However, the learned Judge granted maintenance of only Rs.5000/- for each child. Aggrieved by this, the revision petitioner herein is before this Court.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent and perused the materials of the case.

4. The learned counsel appearing for the first respondent submitted that the first respondent is employed at an automobile shop. Whereas, the petitioner contended that, he is the owner of the automobile shop and earning a sum of Rs.1,50,000/-per month. Apart from that, he has other sources of income from the immovable properties.



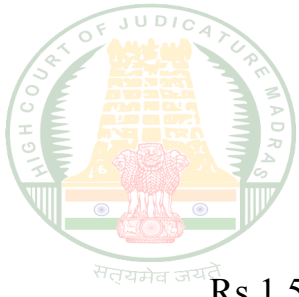
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5. The learned counsel appearing for the 1st respondent/husband contended that he is earning only a sum of Rs.25,000/- per month by working in the automobile shop.

6. The petitioner has contended that the first respondent is earning a sum of Rs.1,50,000/- per month, whereas, the first respondent would state that he is earning only a sum of Rs. 25,000/-. He has however not produced any document in the form of a bank statement, etc., to show his earnings, particularly when the revision petitioner has stated that he is earning a sum of Rs. 1,50,000/- per month. A sum of Rs. 5,000/- for each of the children, which is granted as interim maintenance, is very meagre, as they are growing children. As on date, the first respondent is not taking care of their education or any expenses of the children related to the children.

7. Taking note of the fact that, even according to him, he is earning a sum of Rs.25,000/- and since he has not produced any document to disprove the contention of the petitioner herein that he is earning an income of



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Rs.1,50,000/- per month, the interim maintenance to the children can be increased by a further sum of Rs.2500/- for each of the children. Therefore, the Transfer Civil Miscellaneous Petition is allowed with the following directions:-

(a)The 1st respondent is directed to pay monthly maintenance of Rs.7500/- for each of the children on or before 5th day of every succeeding English calender month and he is also directed to contribute to their children's educational expenses.

(b)He shall pay the arrears of maintenance till date and continue to pay the monthly maintenance of Rs.7500/- each to the children.

(c)H.M.O.P.No. 42 of 2021 will be taken up for hearing only if the arrears of maintenance are completely paid to the petitioner and the two minor children. Consequently, connected Miscellaneous Petition is closed.

No costs.

07.04.2025

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Index:yes/no

Speaking order/non speaking order

Neutral citation:yes/no

To

The Principal Subordinate Judge, Kanchipuram



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P.T.ASHA,J.

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