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C.R.P.No.4380 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.04.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.No.4380 of 2024

Meeta

... Petitioner

Vs.

Mitesh T Gala

... Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, praying to allow this Civil Revision Petition, call for the records and enhance the maintenance awarded in the fair and decretal order passed in I.A.No.1 of 2022 in O.P.No.3236 of 2022 dated 23.01.2024, pending on the file of learned VI Additional Family Court, Chennai.

For Petitioner : Ms.Tanvi Srivatsan

For Respondents : M/s.Madhu Prakash

ORDER

Aggrieved by the quantum of compensation that has been granted by the VI Additional Family Court, Chennai, by order dated 23.01.2024 in



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I.A.No.1/2022, which was filed by the petitioner-wife seeking interim maintenance, the present revision was filed.

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2. The short facts that led to the filing of the application in I.A.No.1/2022 are as follows:

- a. The petitioner-wife had filed HMOP.No.3236/2022 on the file of the V Additional Family Court, Chennai, seeking divorce on the ground of cruelty.
- b. Pending the proceedings, the wife has taken out an application in I.A.No1/2022 for grant of interim maintenance of Rs.50,000/- per month and also a sum of Rs.80,000/- towards litigation expenses.
- c. It is contended by the petitioner-wife that the respondent-husband had treated her with cruelty when she was in her matrimonial home. Even after the birth of a child and during her pregnancy, the ill-treatment continued not only at the hands of her husband, but also at the hands of his family members.
- d. The entire medical expenses, both pre and post delivery, was taken care of by the petitioner-wife's family members. The petitioner would submit that even after delivery, she was made to do heavy household



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chores.

- e. In fact at the behest of mediators, the petitioner and her husband had set up separate home at Thana Street, Purasawakkam in the year 2009. Even then, the verbal abuse and violent action of the respondent continued. Thereafter, the petitioner was constrained to leave her matrimonial home and returned to her parental home.
- f. In fact, the petitioner had been compelled to leave the matrimonial home on account of the fact the respondent had got enraged when the petitioner's brother had attempted to talk to the respondent.
- g. Unable to tolerate the torture at the hands of the husband and his family members, the petitioner had left her matrimonial home and that she and her minor child stayed away from the husband for one year. Thereafter, the respondent had apologized for his behaviour and based on the assurance given by him, there was reunion,. But his promise had lasted for only a couple of weeks and thereafter, the attitude and the conduct of the petitioner and his family members continued as before.
- h. The petitioner had pleaded that her husband is a businessman and was earning a monthly income of Rs.1.5 lakhs. That apart, he owns a



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house worth Rs.8.5 crores and also a car worth Rs.9.0 lakhs. He is in the habit of going on foreign trips annually and spends lavishly. However, the husband had not spent a penny either on her or to their child.

- i. The petitioner was working as a sales consultant and earning a sum Rs.23,200/- per month. With the said meager amount, she finds it difficult not only to take care of her day to day activities, but also to spend for the litigation expenses and also to take care of her minor child.

Hence, the said I.A.No.1/2022 was filed seeking interim maintenance and to pay litigation expenses.

3. The respondent had refuted the allegations made by the petitioner regarding the various instances of cruelty meted out by her. In the counter, the respondent-husband would submit that the petitioner had voluntarily on her whim left the matrimonial home and the attempts of the respondent to bring her back to the marital home had ended in disappointment. The respondent had not made any statement with reference to his earnings, except contending that the petitioner-wife is earning Rs.23,200/- per month.



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4. The learned VI Additional Family Court Judge by order dated 23.01.2024, had allowed the said I.A and directed the respondent-husband to pay a sum of Rs.5,000/- per month from 20.12.2022 till the date of disposal of the main OP.No.3236/2022. The learned Judge has taken into consideration the fact that the respondent-husband has not filed any document to show that he was not earning the sum as stated in the OP. In fact, he has not produced any document to show his net earnings. The petitioner has admitted that she is earning Rs.23,200/-. However this amount is not befitting her status as the wife of the respondent. That apart, the respondent is a businessman and owning immovable properties. The petitioner also claimed that the respondent is earning a monthly income of Rs.1.50 lakhs, which has not been denied by the respondent. Therefore, a sum of Rs.5,000/- per month awarded by the learned Judge is a pittance and the respondent is directed to pay a further sum of Rs.10,000/- per month in addition to Rs.5,000/- that is already being paid by him.

5. The learned counsel appearing for the respondent on instructions would submit that the respondent has agreed to pay a further sum of



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Rs.10,000/- per month in addition to the sum of Rs.5,000/- per month, which he has been paying in compliance to the order of the trial Court.

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6. The petitioner has contended that she is incurring an expenditure of Rs.46,500/- per month for maintaining herself. Admittedly, the petitioner is earning a sum of Rs.23,200/- per month. Therefore, this Court deems it appropriate that a further sum of Rs.15,000/- which would be made available to the petitioner, would be sufficient to meet out her monthly expenses. The civil revision petition is allowed with the above directions. No costs.

16.04.2025

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No
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To:

1.The VI Additional Judge
Family Court, Chennai.

2.The Section Officer
VR Section, High Court, Madras.



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P.T. ASHA, J.

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