



C.R.P(PD)No.4777 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.01.2025

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

C.R.P(PD)No.4777 of 2024

R.Suganya

... Petitioner

Vs.

M.Jagannathan

... Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of Constitution of India, to allow this Civil Revision Petition, call for the records of and enhance the maintenance awarded in the fair and decretal order passed in I.A.No.3 of 2024 in O.P.No.3398 of 2022, dated 05.08.2024, pending on the file of the VI Additional Family Court, Chennai.

For Petitioner :Ms.Tanvi Srivatsan

For Respondent : Mr.M.Jagadeesan  
for M/s.P.B.Ramanujam Associates

ORDER

This Civil Revision Petition challenges an order passed by the VI Additional Family Court at Chennai in I.A.No.3 of 2024 in O.P.No. 3398 of 2022 dated 05.08.2024.



2.The Civil Revision Petitioner is the wife and the respondent is the husband. For the sake of convenience, the parties shall be referred to as husband and wife.

3.The parties to this Revision married each other on 11.01.2021. Subsequently, due to disputes and differences, the parties have separated. The husband initiated O.P.No.3398 of 2022, seeking divorce on the grounds of cruelty. The wife has completed the pleadings by filing her counter and additional counter.

4.Pending disposal of the HMOP, she filed an application U/s.24 of the Hindu Marriage Act. She pleaded that she is working in a private company and had incurred debts on account of the expenses towards the marriage. She pleaded her mother is residing with her and post the separation, she could not find a job readily, but finally has landed up with an employment from which she is generating approximately Rs.21,000/- per month. She pleaded the husband, who working in the High Court, is getting a monthly income of Rs.60,000/- per month, that is, three times the salary that she is generating. Hence, she sought for a monthly maintenance of Rs.25,000/- and Rs.25,000/-



towards litigation expenses. This application was resisted by the husband.

Both the parties filed their affidavits of Assets and Liabilities.

5.The learned Judge took up the application for disposal. She held that the husband and wife resided with each other only for four months and that since the wife is capable of earning, an amount of Rs.5,000/- per month as maintenance would serve the ends of justice. Aggrieved by the same, the wife is on Revision, seeking enhancement from Rs.5,000/- to Rs.25,000/-. Notice was ordered in the application and M/s.P.B.Ramanujam Associates have entered appearance.

6.Heard Ms.Tanvi Srivatsan, for the Civil Revision Petitioner and Mr.M.Jagadeesan for the respondent. I have gone through the records.

7.The relationship and respective employments of the parties are not in dispute. The wife is residing in Washermenpet and the husband is residing in Government Quarters at Anna Nagar. The husband has claimed that he has taken loans from the High Court Employees Cooperative Society as well as on a credit card.



8.The perusal of the statement of accounts of the husband shows on an average he is receiving a sum of Rs.35,000/- as salary. This is the net pay that is being paid to the husband. This is obviously after debiting the amounts towards the loans. Though the affidavit pleads that he has taken a credit card loan, the details and the amounts that are being paid under the said loan has not been disclosed.

9.At the same time, I should take note of the fact that the wife is residing in Washermenpet and is working at Parrys Corner. Therefore, the travel expenses is less, at the same time, she is taking care of her mother.

10.In order to balance the interest of both sides, I am inclined to modify the order passed by the learned Trial Judge. While upholding the duty of the husband to pay maintenance to the wife the sum of Rs.5,000/- is enhanced to **Rs.8,000/- (Rupees Eight Thousand only)**. The arrears shall be cleared within a period of **two (2) months** from the date of receipt of a copy of this order. In case, there are any variations in the salary, pending the litigation, it is open to both sides to produce proof before the trial Court and substantiate their plea for increase or reduction of maintenance amount.



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11.The Civil Revision Petition stands allowed accordingly. No costs.

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To

VI Additional Family Court  
Chennai



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V.LAKSHMINARAYANAN, J.

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