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Civil Revision Petition No. 478 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.03.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.PD.No. 478 of 2025
and C.M.P.No.2802 of 2025

Madhuvanthi

... Petitioner

Vs

A.R.Prasanna Venkatesh
Respondent

...

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the Fair and Decretal Order in I.A.No.2 of 2024 in H.M.O.P.No.496 of 2022 on the file of the Family Court at Salem dated 20.09.2024 by enhancing the Interim Maintenance Amount.

For Petitioner	: Ms.R.Thenmozhi
For Respondent	: Mr.P.M.Prasanth Narayanan

ORDER

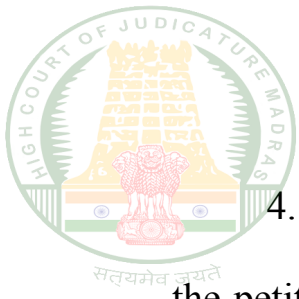
Seeking an enhancement of the interim maintenace granted by the Family Judge, Salem in I.A.No.2 of 2024 in H.M.O.P.No.496 of 2022, the wife, who was the petitioner in the said application, is the revision petitioner before this Court.



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2. The petitioner and the respondent got married on 20.06.2019 and it appears that within a few months i.e; in the month of October 2019, the respondent had abandoned her midway at Attur while going to the petitioner's parental home at Namakkal. The respondent stated that unless the petitioner brought the balance amount for purchasing the car, she would not be permitted into her matrimonial home. He had also assaulted her. On 27.10.2019, the petitioner had lodged a complaint with the All Women Police Station, Namakkal. The petitioner is however residing at her parents' house for the past 5 years. The petitioner would submit that the respondent is working as a Senior Analyst with Infosys Company, Chennai and earning a monthly income of Rs.1,00,000/- and is therefore bound to maintain her and she had sought for monthly maintenance of Rs.40,000/- and litigation expenses of Rs.25,000/-

3. In her affidavit filed in support of the maintenance application, the petitioner has stated that she was not gainfully employed.



4. The respondent has filed a counter *inter-alia* contending that that the petitioner was very much employed and all the allegations made by her regarding dowry and physical abuse etc were nothing but a figment of her imagination. The petitioner is working in the ATS Health Care Private Limited from May 2021 as a medical Coder and that she is earning a sum of Rs.30,000/-. Therefore, there is no necessity to maintain her.

5. The learned Family Judge, Salem, taking into consideration the fact that the income of the petitioner has not been proved and taking into consideration the educational qualification of the petitioner, the respondent's salary and the cost of living etc, granted an interim maintenance of Rs.7,500/- per month. Aggrieved by the same, the petitioner is before this Court.

6. Heard both sides and perused the materials available on record.

7. The petitioner-wife was directed to produce proof to show that she is no longer employed to date. The relieving order dated 07.11.2024 issued by Technology Solution Private Limited to the petitioner has been produced



which shows that with effect from 05.10.2024, she had been relieved from the service and at present, she is not employed.

8. Therefore, taking into consideration the above factors and considering the fact that the respondent, who claims to be earning only a sum of Rs.30,000/-, has not produced any documents from his Company M/s.Infosys Private Limited to show his income and also taking into consideration the status and income of the respondent-husband, this Court feels that the respondent should provide maintenance to the petitioner. The best evidence has been kept away by the respondent-husband by not producing his salary certificate, therefore it can be safely presumed that the respondent would not be earning anything less than a sum of Rs.75,000/- per month in a company like Infosys. Therefore, the civil revision petition is allowed. The interim maintenance amount is enhanced from Rs.7,000/- to Rs.15,000/- per month. The learned Judge, Family Court, Salem shall dispose of the H.M.O.P.No.496 of 2022 within a period of 3 months from the date of receipt of a copy of this order. In case, if the petitioner-wife prolongs the proceedings, the payment of interim maintenance shall be stopped. No costs. M.P. is closed.

24.03.2025



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Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

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To,

The Family Court, Salem.



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P.T.ASHA, J.,

srn

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