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C.R.P.(PD) No.5223 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.04.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD) No.5223 of 2024
and CMP.No.29202 of 2024

D.Ramesh Kumar

... Petitioner

Vs.

N,Kalaiaarasi

... Respondent

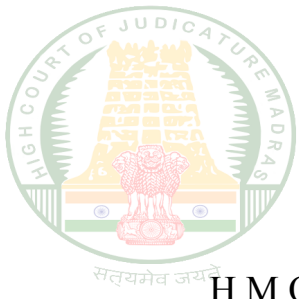
Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and final order dated 30.09.2024 passed in I.A.No.02 of 2019 in HMOP.No.03 of 2019 on the file of Judge, Family Court at Krishnagiri.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.V.Raghavachari, Senior Counsel
for Mrs.V.Srimathi

ORDER

Two persons belonging to the same legal profession are fighting tooth and nail, one refusing to pay maintenance and the other demanding the same.



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2. The revision petitioner-husband originally filed H.M.O.P.No.181/2013 before the Subordinate Court, Krishnagiri seeking divorce, which was later transferred to Family Court, Krishnagiri and was taken on file as O.P.No.3 of 2019. Subsequently, the respondent-wife has filed I.A.No.79/2014 before the Subordinate Court, Krishnagiri, to pay interim maintenance of Rs.20,000/- per month and medical expenses to the tune of Rs.50.0 lakhs, which was later transferred to Family Court, Krishnagiri as I.A.No.2/2019. The respondent-wife has been awarded a sum of Rs.9,000/- per month towards monthly maintenance and a sum of Rs.3,000/- per month for her medical expenses. This total maintenance of Rs.12,000/- per month was directed to be paid from the date of filing of petition before Sub Court, Krishnagiri in the year 2014. Challenging the grant of interim maintenance of Rs.12,000/- per month, the revision petitioner-husband has filed the present revision petition.

3. The petitioner-husband is aggrieved by the fact that he has been asked to pay compensation to the respondent-wife, who according to him, has considerable earnings from the profession. The petitioner would submit that the respondent has been serving as a panel Advocate for Insurance



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companies, banks etc., and he has filed the case details before the Family Court to prove the fact that the the respondent-wife is appearing for the said organizations in a number of cases.

4. The respondent-wife would oppose the same by stating that most of the details provided by the petitioner-husband are fabricated.

5. This Court had called for a few samples to indicate that the respondent herein is the counsel in those cases. Accordingly, the counsel for the respondent had produced the documents to show that the cases in which the respondent-wife had appeared. However, these documents and their entries are denied by the counsel for the respondent who would claim that the details given are incorrect and to prove the same as false, he has filed the copy applications in various cases relied upon by the revision petitioner.

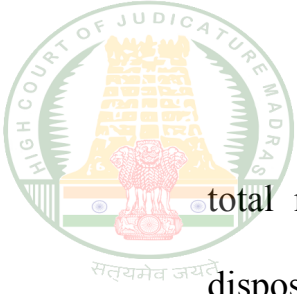
6. The parties are only at interim stage and the amount that has been paid is only till the disposal of the HMOP. This Court had advised the parties that they should not wash their dirty linen in public and they should attempt to settle the matter. The Court below has granted total monthly



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compensation of a sum of Rs.12,000/-, of which, a sum of Rs.3,000/- has been shown as medical expenses. When the counsel for the respondent-wife was questioned, he would submit that the respondent-wife had suffered a fracture on account of the physical abuse meted out by the revision petitioner. A reading of the exhibits of the Court below would show that the injuries are fractures, which have re-united after treatment. However, there is nothing on record to show the medical expenses incurred by her, viz., the medical receipts, as claimed by the respondent-wife. On the contrary, in the statement of assets and liabilities, the respondent has clearly stated that she does not incur any medical expenses. Even in the affidavit, she herself has stated that she has no medical expenses, despite which, a sum of Rs.3,000/- per month has been paid to her. In the said circumstances, it is needless to state that the amount of Rs.3,000/- directed to be paid towards medical expenses to the respondent-wife, has to be set aside. The respondent-wife is also a legal practitioner earning income but it is her contention that she is not earning sufficiently, therefore taking into consideration the same, the maintenance amount is increased from Rs.9,000/- to Rs.10,000/-.

7. This Court, therefore allows the revision in part, by reducing the



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total monthly maintenance to a sum of Rs.10,000/- per month, till the disposal of HMOP.No.3/2019, pending on the file of Family Court, Krishnagiri. Accordingly, with the above modification, the revision petition is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

07.04.2025

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

- 1.The Judge
Family Court, Krishnagiri.
- 2.The Section Officer
VR Section, High Court, Madras.



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P.T. ASHA, J.

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