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CRP(PD).No.356 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.02.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.(PD).No.356 of 2025

and

C.M.P.Nos.2173 & 2174 of 2025

S.Sarvanan

... Petitioner

Vs.

Vijayalakshmi

... Respondent

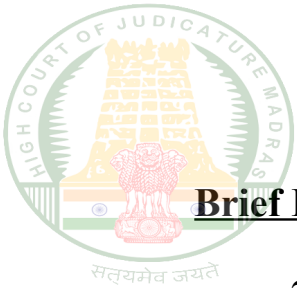
Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order dated 292/2021 in HMOP.No.471 of 2021 on the file of the Sub Court, Alandur, Chennai.

For Petitioner : M/s.P.Ayyamperumal

For Respondent : M/s.M.Dinesh

ORDER

Challenging the order passed by the learned Sub Judge, Alandur in I.A.No.292 of 2021 in HMOP.No.471 of 2021 in and by which the learned Judge has directed the petitioner/husband to pay a sum of Rs.10,000/- per month each to the respondent/wife and his minor daughter along with a sum of Rs.10,000/- towards litigation charges, the petitioner/husband is before this Court.

**Brief Facts:-**

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2. The respondent/wife had filed HMOP.No.471 of 2021 seeking dissolution of the marriage between herself and the petitioner herein on the ground of cruelty. Pending the proceedings she has taken out IA.No.292 of 2021 for the following reliefs:-

"To direct the petitioner/husband to pay a sum of Rs.15,000/- per month each to the respondent/wife and her child as maintenance totaling Rs.30,000/- pending disposal of the main O.P. and a sum of Rs.15,000/- as litigation expenses"

3. In the affidavit filed in support of the Interlocutory Application, the respondent/wife would submit that the petitioner/husband is not maintaining her and their child and she is living with her parents along with the child.

3. The respondent/wife would further submit that the petitioner /husband is working as an Administrative Officer in Annai Hospital, Chennai and earning a sum of Rs.4,80,000/- per annum and owns immovable property at River Street, Royandapuram, Thandarampattu,



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Tiruvannamalai District and also owns a flat in an Apartment complex situated at Anna Nagar, Chennai. That apart, he also owns two flats in the Kanchipuram District. Despite which he had failed to maintain the respondent/wife and her child. Therefore, the respondent/wife had come forward with I.A.No.292 of 2021 for the reliefs stated supra.

4. The petitioner/husband had filed a counter inter alia contending that he had been paying the school fee and buying clothes for his child almost every month. He denied his income as set out in the petition as also the immovable properties. On the contrary, he would contend that the respondent/wife is employed and earning nearly a sum of Rs.55,000/- per month. Whereas, he would submit that his monthly income is only a sum of Rs.30,000/-. Out of which, a sum of Rs.6,000/- had to be paid towards house rent and he also had to take care of his aged parents who are not in good health and for their medical needs he had to spend Rs.7,000/- per month. He would submit that he had quantified his expenses to the tune of Rs.18,800/- per month and after deducting the said sum from his monthly income he was left with a sum of Rs.11,200/-. Therefore, he sought for a



dismissal of the petition.

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5. The Trial Court after perusing the assets and liabilities statement of both the petitioner and the respondent had ultimately directed the petitioner/husband to pay a sum of Rs.10,000/- to the respondent/wife and Rs.10,000/- to the child along with a sum of Rs.10,000/- towards litigation expenses. Challenging the same, the petitioner/husband is before this Court.

6. Heard the learned counsel on either side and perused the records.

7. This Court after hearing the learned counsel for the petitioner had directed him to get instruction as to how much he would pay as maintenance for the respondent/wife and child and directed the parties to appear before this Court. Today, both parties appeared before this Court. The husband admitted that he is an M.Sc. Graduate and would submit that he refers patients to hospital for which he is being given a commission. Such a statement is unbelievable since using of agent by



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hospitals for procuring business is a violation of the Code of Medical Ethics laid down by the National Medical Commission under new National Medical Commission Registered Medical Practitioner (Professional Conduct) Regulations, 2023. The petitioner is attempting to get over the respondent's claim that the petitioner is employed as an Administrative Officer at Annai Hospital Chennai.

8. The respondent/wife has fairly conceded that she does not require any maintenance for herself. However, the petitioner who is the father of the minor child is duty bound to maintain his daughter as he is an abled body man and capable of earning income.

9. In these circumstances, the order granting a sum of Rs.10,000/- per month as maintenance for the minor child is reasonable and I see no reason to interfere with the same.

10. Therefore, the Civil Revision Petition is partly allowed. The order passed by the learned Subordinate Judge, Alandur in I.A.No.292 of 2021 in HMOP.No.471 of 2021 directing the petitioner/ husband to



pay a sum of Rs.10,000/- towards monthly interim maintenance to the respondent/wife is set aside. In all other respect, the order passed by the learned Subordinate Judge is confirmed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

11. At this juncture, the petitioner/husband would submit that, despite having visitation rights, he is not permitted to see the child. This claim is disputed by the respondent/wife. However, she assures the Court that if the petitioner/husband expresses an interest in visiting the child, she has no objection to the same.

27.02.2025

(shr)
Index : Yes/No
Speaking Order: Yes/No
Neutral Citation : Yes/No

To

1.The Sub Court, Alandur, Chennai.



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P.T. ASHA. J.,

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