



C.R.P.(PD)(MD).No.1869 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1869 of 2023

and

C.M.P.(MD)No.9393 of 2023

Mari

... Petitioner

Vs.

1.Rani

2.Minor Kalish Eswar

3.Minor Rahul Vignesh

4.Minor Pavithira

... Respondents

PRAYER: Civil Revision Petition - filed under Article 227 of the Constitution of India, to call for the records in I.A.No.1 of 2022 in H.M.O.P.No.107 of 2020 on the file of the Sub Court, Tiruchendur, Thoothukudi District and set aside the order dated 10.04.2023.

For Petitioner : Mr.C.Suresh Kannan

For Respondents : Mr.R.J.Karthick



C.R.P.(PD)(MD).No.1869 of 2023

WEB COPY

ORDER

This Civil Revision Petition is filed challenging the order passed in I.A.No.1 of 2022 in H.M.O.P.No.107 of 2020 on the file of the Sub Court, Tiruchendur, Thoothukudi District and set aside the order dated 10.04.2023.

2.The petitioner is the husband of the first respondent and father of the respondents 2 to 4. The marriage between the petitioner and the first respondent was solemnized on 14.09.2000 and they were blessed with three children. The first child became major and he is studying college second year. The second child is studying 12th standard and third child is studying 9th standard. At this stage, there was a matrimonial dispute between the petitioner and the first respondent. Thereby, the petitioner filed a petition for divorce in H.M.O.P.No.107 of 2020. In that petition, the petitioner filed an interlocutory application seeking interim maintenance in I.A.No.1 of 2022. The trial Court considering the facts and circumstances of the case, awarded a sum of Rs.4,000/- each to the respondents. Challenging the same, the petitioner/husband has filed this petition.



C.R.P.(PD)(MD).No.1869 of 2023

WEB COPY

3.The learned counsel for the petitioner submits that the petitioner is working as an Advocate Clerk and he is earning a very meagre amount as income every month. With the said amount, he has to take care of himself and his parents. Hence, he is unable to pay the monthly maintenance fixed by the trial Court. Further, the first respondent is working in the Municipality and she is earning more than a sum of Rs.10,000/- per month. Hence, he seeks to modify the maintenance fixed by the trial Court.

4.The learned counsel for the respondent submits that the petitioner is earning a sum of Rs.60,000/- per month. However, he refused to maintain the respondents. The trial Court has only directed the petitioner to pay a meager sum of Rs.16,000/- as interim maintenance towards the first respondent and her three children. The children of the petitioner are studying in School and college. Considering all these aspects, the trial Court has awarded the said amount as maintenance and the same need not be interfered.

5.Heard the learned counsel appearing on either side and perused the materials placed on record.



C.R.P.(PD)(MD).No.1869 of 2023

WEB COPY

6.It is an admitted fact that every male member or earning member of the family is obligated to maintain his wife and children. In the present case also the respondents, who being the wife and children of the petitioner, obtained an order of maintenance for maintaining themselves. It is to be noted that the trial Court has directed the petitioner to pay only a sum of Rs.16,000/- in toto to his wife and children.

7.It is also to be noted that though the respondent alleged that the petitioner is earning a sum of Rs.60,000/- per month, no proof was produced before the trial Court or before this Court to prove the same. However, the petitioner submits that he is working as an Advocate Clerk and he is earning a very meagre sum and he has to maintain his parents and himself with the said meagre income. Hence, this Court is inclined to modify the maintenance awarded by the trial Court.

8.Accordingly, this Court directs the petitioner to pay a sum of Rs.2,000/- (Rupees Two Thousand only) to the first respondent/wife and a sum of Rs.4,000/- (Rupees Four Thousand only), each to the children/respondents 2 to 4, every month towards maintenance.



C.R.P.(PD)(MD).No.1869 of 2023

WEB COPY

9. With the above modification, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04.07.2025

Index : Yes/No
Internet : Yes / No
ta

To

1. The Sub Court, Tiruchendur, Thoothukudi District.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P.(PD)(MD).No.1869 of 2023

M.DHANDAPANI,J.

ta

C.R.P.(PD)(MD)No.1869 of 2023

04.07.2025