



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2199 of 2025

and

C.M.P.(MD),No.13014 of 2025

G.Vigneshmanikandan

...Petitioner

Vs.

Vairam @ Vaishnavi

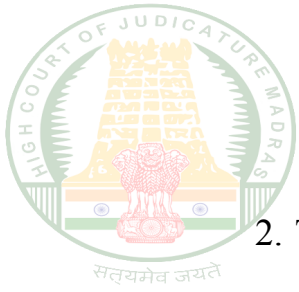
...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to call for the records pertaining to the order passed in I.A.No.4 of 2024 in H.M.O.P.No.227 of 2024 on the file of the Family Court, Theni District, dated 20.12.2024 and to set aside the same.

For Petitioner : Mr.S.Sivaprakash

ORDER

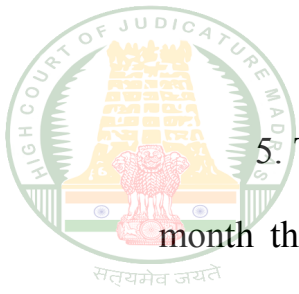
This Civil Revision Petition has been filed to set aside the order passed in I.A.No.4 of 2024 in H.M.O.P.No.227 of 2024 on the file of the Family Court, Theni District, dated 20.12.2024.



2. The petitioner filed a divorce application in H.M.O.P.No.227 of 2024 before the learned Family Judge, Theni District, against the respondent. Pending petition, the respondent filed maintenance application in I.A.No.4 of 2024 before the trial Court. The trial Court ordered a sum of Rs.10,000/- to the respondent and Rs.5,000/- to her child as monthly maintenance. Against which, the petitioner has preferred this present petition.

3. The learned counsel appearing for the petitioner would submit that the respondent has studied Bachelor of Science (B.Sc.) and Master of Business Administration (M.B.A.) and is now running a business in the name and style of “Vairam Grill Works,” earning a monthly income of Rs.50,000/-. On the other hand, the petitioner is employed in a private company and earns only Rs.30,000/- per month. It is further submitted that the petitioner is also bound to maintain his aged parents. Hence, according to the learned counsel, the order of the trial Court is unsustainable, and therefore, this petition deserves to be allowed.

4. Since no adverse orders are going to be passed against the respondent , notice to the respondent is dispensed with.



5. The petitioner has stated that the respondent is earning Rs.50,000/- per month through her business. However, no material documents or proof have been placed on record to substantiate the said claim.

6. This Court has carefully considered the submissions made by the learned counsel for the petitioner and perused the records.

7. The trial Court, while granting interim maintenance, has taken into account the fact that the petitioner is employed in a private company and earns Rs.30,000/- per month. Considering the status of the parties and the needs of the respondent and the child, the trial Court fixed the monthly maintenance at Rs.10,000/- for the respondent and Rs.5,000/- for the child.

8. The contention of the petitioner that the respondent is running a business and earning Rs.50,000/- per month remains unsubstantiated for want of proof. In the absence of any documentary evidence, the mere assertion cannot be accepted. Further, the liability of the petitioner to maintain his aged parents cannot be a ground to absolve him from his statutory duty to maintain his wife and child. The quantum of maintenance awarded by the trial Court cannot be said to be either excessive or arbitrary, especially when viewed in light of the admitted income of the petitioner.



9. In view of the above discussion, this Court finds no illegality or infirmity in the order passed by the trial Court warranting interference under Article 227 of the Constitution of India.

10. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

13.08.2025

Internet:Yes/No

Index:Yes/No

TSG

To

1.The Family Court, Theni.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

TSG

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