



C.R.P(MD)Nos.3218 & 3260 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 20.01.2025
DELIVERED ON : 31.01.2025

CORAM:

THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.R.P(MD)Nos.3218 & 3260 of 2024
and
C.M.P(MD)Nos.18515 & 18780 of 2024

C.R.P(MD)No.3218 of 2024:

M.Thirumavalavan

... Petitioner

Vs.

Minor Sangavai,
Represented by her mother and
natural guardian,
S.K.Sabitha.

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 25.09.2023 passed in I.A.No.6 of 2022 in H.M.O.P.No.337 of 2021 on the file of the Hon'ble Family Court, Tiruchirappalli.

For Petitioner : Mr.C.Deepak

For Respondent : Mr.K.Yasar Arafath



C.R.P(MD)Nos.3218 & 3260 of 2024

C.R.P(MD)No.3260 of 2024:

M.Thirumavalavan

... Petitioner

Vs.

S.K.Sabitha

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 25.09.2023 passed in I.A.No.4 of 2022 in H.M.O.P.No.337 of 2021 on the file of the Hon'ble Family Court, Tiruchirappalli.

For Petitioner : Mr.C.Deepak

For Respondent : Mr.K.Yasar Arafath

COMMON ORDER

The above Civil Revision Petitions are preferred against the order passed in I.A.Nos.4 and 6 of 2022 in H.M.O.P.No.337 of 2021 on the file of the Family Court, Tiruchirappalli.



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2. According to the revision petitioner, the marriage between the revision petitioner and the respondent in C.R.P(MD)No.3260 of 2024 was solemnized on 25.05.2014 in the presence of elders. In the said wedlock, a female child was born on 13.02.2016, who is now six years old and the respondent in C.R.P(MD)No.3218 of 2024. It is submitted that due to matrimonial discord, the respondent / wife is living separately since 15.04.2018 along with the child. In spite of various efforts made by the petitioner for reunion, he could not succeed. While so, the respondent / wife filed H.M.O.P.No.337 of 2021 seeking for divorce. The petitioner whereas filed H.M.O.P.No.454 of 2022 for restitution of conjugal rights. It is submitted that the respondent / wife was originally employed as a Teacher in a private school at Manapparai. However, the above fact was suppressed in the divorce petition. It is further submitted that the respondent / wife is a graduate and can take care of herself and that the respondent / wife is now residing in Kerala and the petitioner is still extending monetary support to the respondent / wife and to his child. Due to greediness, the respondent / wife filed an application in I.A.No.6 of 2022 for interim maintenance. In spite of the objections raised by the petitioner herein, the learned Family Court Judge ordered a sum of Rs.10,000/- per month to the respondent /

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wife and a sum of Rs.7,500/- per month for the female child as interim maintenance. Assailing the said order, the present revisions are preferred.

3. The learned Counsel appearing for the revision petitioner submits that the interim maintenance amount ordered by the learned Family Court Judge is exorbitant and since the petitioner is under obligation to take care of his parents, he is unable to pay the said amount as ordered by the Family Court as interim maintenance. His further submission is that the petitioner is paying a sum of Rs.5,000/- every month as maintenance for the child and for the respondent's monthly needs. Apart from that the school fee of the child and the medical expenditure is also paid by the petitioner. Hence, prays for setting aside the order passed by the learned Family Court Judge in I.A.Nos.4 and 6 of 2022 in H.M.O.P.No.337 of 2021 on the file of the Family Court, Trichy.

4. On the other hand, the learned Counsel appearing for the respondent would submit that the respondent / wife had no independent regular source of income and that she cannot depend on her parents for livelihood. The Trial Court considering the above facts rightly ordered the above sum



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as maintenance for the respondents which requires no interference by this Court.

5. Heard the learned Counsel for the petitioner and the learned Counsel for the respondents and perused the materials available on record.

6. It is not in dispute that the marriage between the petitioner and the respondent / wife was solemnized on 25.05.2014 and from the said wedlock, a female child was born on 13.02.2016. The petitioner failed to establish that the respondent / wife has any source of income as on the date of filing of the I.A.No.6 of 2022. However, taking into consideration, though the respondent / wife in the interim maintenance application submitted that the petitioner is receiving a monthly income of Rs.72,500/-. The same is not supported by any documentary evidence. Moreover, the petitioner contends that he has to maintain his aged parents and that he is receiving only a sum of Rs.54,000/- as salary which is not sufficient to maintain himself and his aged parents.

7. Therefore, considering the above facts and circumstances of the



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case, this Court is of the considered view that it would be appropriate to order a sum of Rs.7,500/- for the respondent / wife and Rs.7,500/- for the female child as interim maintenance till the disposal of H.M.O.P.No.337 of 2021.

8. Accordingly, these revision petitions are partly allowed. The impugned order, dated 25.09.2023 passed in I.A.Nos. 4 and 6 of 2022 in H.M.O.P.No.337 of 2021 on the file of the Family Court, Trichy is set aside with a direction to the revision petitioner to pay a sum of Rs.7,500/- per month to the respondent / wife and another sum of Rs.7,500/- to the respondent / child per month on or before 10th of every English calendar month. The revision petitioner is also directed to deposit the arrears of maintenance at the rate of Rs.15,000/- [Rs.7,500/- + Rs.7,500/-] in three installments from the date of receipt of a copy of this order from the date of filing of interim maintenance petition till the date of this order and continue to pay the above said maintenance amount till the date of disposal of H.M.O.P.No.337 of 2021. The respondent / wife is at liberty to withdraw the arrears amount, after the deposit is made to the credit of H.M.O.P.No.337 of 2021. The respondent is at liberty to withdraw the said amount by filing



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necessary application before the Trial Court. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

31.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

The Family Court,
Tiruchirappalli.



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K.GOVINDARAJAN THILAKAVADI, J.

BTR

Order made in
C.R.P(MD)Nos.3218 & 3260 of 2024

31.01.2025