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AS No. 255 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

AS No. 255 of 2007

1. Jayalakshmi
 2. Jamuna (Major)
 3. Manoj Kumar(Major)
- (Appellants 2 and are declared as Major and discharge the guardianship from first appellant (Jayalakshmi). Memo dated 6.3.2026 recorded vide court order dated 09.03.2026

..Appellants

Vs

Mr.C.Chandra Babu

..Respondent

Appeal Suit filed under Section 96 of CPC against the judgment and decree dated 06.12.2006 in O.S.No.40 of 2000 on the file of the II Additional Family Court Judge, Chennai.

For Appellants: Mr.T.V.Krishnakumar

For Respondent: No appearance

JUDGMENT

(Judgment of the Court was delivered by C.V.Karthikeyan J.)

Plaintiffs in O.S.No.40 of 2000 on the file of the II Additional Family Court, Chennai, aggrieved by the judgment dated 06.12.2006, are the appellants herein.



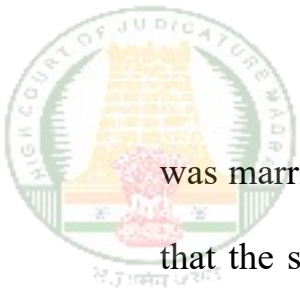
2. The first appellant Jayalakshmi is the mother of appellants 2 and 3 Jamuna and Manojkumar. Second appellant was born on 26.12.1992 and the third appellant was born on 22.09.1995. The second appellant had attained the age of majority on 26.12.2010 and has married also. The third appellant had attained the age of majority on 22.09.2013. All the appellants had filed the suit seeking maintenance against the respondent, who is the husband of the first appellant, for a sum of Rs.1500/- per month for the first appellant and a total sum of Rs.1500/- per month for the second and third appellants.

3. By judgment dated 06.12.2006, the II Additional Family Court had granted maintenance at the rate of Rs.500/- per month for each one of the three appellants payable from the date of institution of the suit viz., 25.5.2000.

4. Notice had been directed to the respondent and though a counsel had entered appearance, consistently, there had been no representation on behalf of the respondent. Therefore, it is evident that the respondent is not interested in giving instructions to his counsel to appear and represent before this court.

5. Since the second and third appellant had attained the age of majority, the cause title had been amended and the learned counsel for the first appellant represents for them also.

6. It is the contention of the appellants that the respondent was drawing a salary of Rs.8000/- per month even at the time of institution of the suit. He was employed in a private company, but, it had been contended that he had deserted the three appellants and failed to maintain them. The fact that the first appellant



was married to the respondent is neither denied nor disputed. Similarly, the fact that the second and third appellants are the children born to the first appellant and the respondent is also neither denied nor disputed. In the written statement of the respondent, he had only denied that he was drawing a salary of Rs.8000/-. He had further contended that the first appellant was dependent on her brother and mother. It evidently would mean that he was not taking care of the first appellant. It is also stated that the first appellant was earning Rs.5000 per month but, she was not spending any money towards the education of the second and third appellants. The only issue raised was that the first appellant was picking up quarrels with him for petty problems. But, that cannot be taken as a ground to deny maintenance to the appellants in their status as wife and children.

7. The learned Trial Judge, while deciding the quantum of maintenance, had examined the evidence produced viz., copy of the earlier maintenance petition and copy of the maintenance order in M.C.No.225 of 1996 filed under Section 125 CPC, wherein Rs.300/- per month was ordered to be paid to the first appellant and a sum of Rs.150/- each to the second and third appellants. It is also contended that such maintenance was also not paid till the institution of the present suit. The respondent had also contended that she was working in an export company earning Rs.5000/- per month, however, in his cross-examination, the respondent was not able to state even the name of the Company where the first appellant was alleged to have been working. The Trial Court, therefore, did not take into consideration that particular evidence of the



respondent. The Trial Court had held that the respondent was working in Telephone Department and earning a sum of Rs.8000/- per month. Taking all these aspects into consideration, the Trial Court ordered maintenance of Rs.500/- per month to each one of the appellants. The present appeal had been filed seeking enhancement of compensation.

8. Learned counsel for the appellants pointed out that the Trial Court had found that the respondent was working in the Telephone Department and was earning Rs.8000/- per month. The direction to pay Rs.500/- per month was extremely meagre owing to the cost of living. The first appellant was not able to manage both the children with the above maintenance amount. It was also contended that the first appellant was not employed in any Export Company or elsewhere. It was also contended that the respondent had not paid any maintenance to the appellants even though a direction was given by the Trial Court.

9. Though the respondent had engaged a counsel to appear on his behalf, he had not given any instruction to his counsel. We also hold that non appearance of the respondent or his counsel is deliberate only to avoid judicial proceedings, probably, to prolong the litigation by taking a stand that he was not heard in the event of any order being passed in the matter.

10. The Appeal Suit is of the year 2007 and now even after nearly two decades, the counsel for the respondent had not come forward to argue the Appeal despite several adjournments having been granted, which clearly shows



that the respondent has taken a deliberate decision to avoid appearance before the court.

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11. It is seen that since the respondent was working in the Telephone Department, by the successive Pay Commissions, there could be substantial revision in his salary and therefore, he could not contend that he was not in a position to maintain the appellant. The first appellant, who is now aged about 62 years, has been suffering without any payment of maintenance as directed by the Trial Court. Taking into consideration the inflation that had occurred and also the possibility of the respondent's retirement and earning pension, we would enhance the maintenance amount payable to the first appellant from Rs.500/- to Rs.1500/- per month. However, we are not inclined to interfere with the grant of maintenance to the second and third appellants, who had attained the majority, had completed their studies, the second appellant has also got married.

12. In the result, the Appeal Suit stands allowed directing the respondent to pay a maintenance of Rs.1500/- per month from the date of institution of suit to the first appellant and Rs.500/- each to the second and third appellant till the date of their attaining majority viz., 26.12.2010 and 22.9.2013 respectively. No order as to costs.

(C.V.K.,J.) (K.R.S.,J.)
23-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No



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To

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II Additional Family Court Judge,
Chennai.



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**C.V.KARTHIKEYAN, J.
AND
K.RAJASEKAR, J.**

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