



C.R.P.No.230 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.230 of 2025
and C.M.P.No.1532 of 2025

B.Madhan Babu

... Petitioner

VS.

K.M.Sunitha

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow the present Civil Revision Petition by setting aside the fair and decreetal orders passed in I.A.No.1 of 2019 in O.P.No.688 of 2019 dated 05.11.2024 on the file of IV Additional Principal Family Court, Chennai.

For Petitioner : Mr.M.Prabakar

For Respondent : M/s.G.Syed Kaleemullah

ORDER

The Civil Revision Petition is filed challenging the order passed by the IV Additional Principal Family Court, Chennai in I.A.No.1 of 2019 in O.P.No.688 of 2019, dated 05.11.2024 partly allowing the application filed by the respondent/wife by directing the petitioner/husband to pay a sum of Rs.30,000/- per month as interim maintenance.



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2. The petitioner/husband filed main original petition in O.P.No.688 of 2019 seeking divorce against the respondent on the ground of cruelty. During the pendency of the main original petition for divorce, the respondent/wife filed an interlocutory application in I.A.No.1 of 2019 seeking interim maintenance of Rs.1,00,000/- per month and Rs.1,00,000/- towards litigation expenses and Rs.25,000/- towards medical expenses. The Family Court, by impugned order directed the petitioner/husband to pay a sum of Rs.30,000/- per month towards interim maintenance to the respondent/wife. He was further directed to pay a sum of Rs.50,000/- towards litigation expenses. Aggrieved by the said order, the petitioner/husband has come before this Court by way of filing this civil revision petition.

3. In the affidavit filed in support of the interim maintenance application, it was stated by the respondent that she has got two girl children through her first marriage and she married the petitioner after getting divorce from the first husband. The marriage between the petitioner and respondent was solemnised on 11.02.2018. However, after sometime, the respondent was neglected by the petitioner and hence, she has been



struggling without any income. It is further stated that the petitioner was employed as Marine Engineer in British Petrol Shipping Company, Chennai and earning a sum of Rs.5,00,000/- per month.

4. In his counter to the application for interim maintenance filed by the respondent/wife, the petitioner/husband denied the claim made by the respondent about the quantum of income. It was stated by the petitioner that respondent is employed as a Teacher in a School and getting handful of income. It is also stated by the petitioner that due to his health condition, he could not undertake any employment and he has been unemployed for the past one year and hence, he sought for dismissal of the application for interim maintenance.

5. The learned counsel appearing for the petitioner/husband assailed the impugned order passed by the Family Court mainly on the ground that petitioner developed 'Chronic Hepatitis B' and hence, became unfit for employment in the ship. It is stated by the learned counsel that the petitioner is unemployed now and he has no source of income. Therefore, according to him, the interim maintenance amount of Rs.30,000/- fixed by the Family Court is very much on higher side. The learned counsel further submitted



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that the respondent is employed as a French Teacher in a Private School and earning handful of income.

6. The learned counsel appearing for the respondent/wife submitted that the respondent already resigned her job due to compelling circumstances and the relieving letter was marked before the Court. Therefore, according to the learned counsel, she is struggling without any income. It is further submitted that petitioner/husband is a Marine Engineer employed in ship and he has been earning more than Rs.5,00,000/- per month and therefore, the quantum of interim maintenance fixed by the Family Court is a moderate one.

7. A perusal of the affidavit of assets and liabilities filed by the respondent/wife would indicate, she admitted that she was employed as a part-time teacher in private school and earning a sum of Rs.14,000/- per month. However, Ex.P6 is the Relieving Order issued to the respondent. A perusal of the same would indicate that the respondent/wife resigned her job and she was relieved from service on 31.03.2023. Hence, the contention raised by the learned counsel for the petitioner that the respondent is a Teacher getting handful of salary is not acceptable to this Court.



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8. As far as the contention of the petitioner/husband that he is suffering from 'Chronic Hepatitis B' and hence, became unfit to be employed in ship is concerned, the said contention has not been substantiated by producing any medical records. The petitioner marked only three documents before the Family Court. Ex.R1 is the affidavit of assets and liabilities of the petitioner. Ex.R2 is a copy of complaint preferred by the respondent against the petitioner before Police. Ex.R3 is a Certificate issued by employer of the respondent about the quantum of salary paid to her during the time of employment. Therefore, it is clear that the health problem pleaded by the petitioner/husband has not been proved by producing any acceptable record. Though the petitioner/husband filed Ex.R3, a Certificate issued by employer of the respondent dated 06.11.2019, as mentioned earlier, Ex.P6-Relieving Letter issued to respondent dated 31.03.2023 would establish that the respondent was relieved from her job on 31.03.2023.

9. While fixing the quantum of interim maintenance, the Family Court relied on the bank statement issued by HSBC Bank, produced before it by the petitioner/husband for the period 30.01.2016 to 29.12.2018. The



HSBC Bank Statement produced by the petitioner before the Family Court is also included in the typed-set of papers filed by the respondent before this Court dated 06.06.2025. A close scrutiny of the same would indicate that the petitioner continuously received a remittance of more than Rs.2,00,000/- per month.

10. Though it was asserted by the learned counsel appearing for the petitioner that the petitioner/husband is getting a very meagre income by way of commissions, a perusal of the affidavit of assets and liabilities filed by the petitioner would indicate that he mentioned his occupation as 'Trading Networker', he mentioned his income as only Rs.15,000/- per month. However, as mentioned earlier the petitioner/husband received hefty remittances into his bank account periodically and the same has not been properly explained by the petitioner/husband.

11. Taking into consideration the remittances made in the HSBC Bank Account produced by the petitioner before the Family Court, the Family Court fixed the quantum of interim maintenance at Rs.30,000/- per month. The quantum of interim maintenance fixed by the Family Court cannot be treated as a excessive in the light of the hefty remittances made



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into the bank account of the petitioner periodically during the period 30.01.2016 to 29.12.2018. The petitioner has not produced any bank statement for the subsequent period to show that remittances into his account has come down. In these circumstances, I do not find anything to interfere with the quantum of interim maintenance ordered by the IV Additional Principal Family Court, Chennai in I.A.No.1 of 2019 in O.P.No.688 of 2019, dated 05.11.2024.

12. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

23.01.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

The IV Additional Principal Family Court,
Chennai.



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S.SOUNTHAR, J.

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