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CRP No. 1859 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 1859 of 2026
and CMP No.8327 of 2026**

1. M.Kuberan
S/o Mahadevan, No.4/113, Mariamman
Koil Street, V.M.Melapathy Post
Villupuram

Petitioner(s)

Vs

1. Dhanalakshmi
D/o Late Ravi, W/o Kuberan, No.7/5,
V.O.C.Nagar, Main Road, Anna Nagar
East, Chennai 102

Respondent(s)

Civil Revision Petition filed under Section 151 of Civil Procedure Code to set aside the impugned judgment and decree dated 05.01.2026 in I.A.No.1 of 2022 in O.P.No.5006 of 2021 passed by Hon'ble VII Additional Principal Family Court, Chennai.

For Petitioner(s): Mr.P.Valliappan
Senior Counsel
For Mr.E.C.Ramesh

For Respondent(s): S.Indumathi



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ORDER

Challenging the interim order passed by the Family Court in I.A.No.1 of 2022, the husband filed the above revision.

2. Before the trial Court, the revision petitioner/husband filed a petition in O.P.No.5006 of 2021 for divorce against his wife. Pending petition, the respondent/wife filed an application in I.A.No.1 of 2022 praying for interim maintenance both for herself and minor daughter. On hearing both sides and also considering the assets and liabilities of the revision petitioner/husband, the trial Court awarded a sum of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand Only) as interim maintenance to the respondent/wife and child and Rs.50,000/- (Rupees Fifty Thousand Only) towards litigation expenses from the date of filing of this petition i.e., from 30.08.2022 till the disposal of the main petition. Aggrieved by the same, the husband has preferred the above revision.

3. Learned counsel for the revision petitioner submits that as per the calculation statement submitted by the respondent/wife in her interim maintenance application, it comes around Rs.1,40,000/-, but, the trial Court has awarded a sum of



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Rs.2,50,000/- without considering the fact that the respondent/wife is a doctor by profession and also without considering that the petitioner/husband borrowed a sum of RS.1,00,00,000/-(Rupees One Crore only). Therefore, learned counsel for the petitioner prays to set aside the order passed by the trial court and further submits that the petitioner is ready to pay reasonable amount as interim maintenance.

4. Per contra, learned counsel for the respondent/wife submits that the respondent has completed M.B.B.S and she is doing M.D and therefore, she is receiving only Rs.15,000/-(Rupees Fifteen Thousand Only) as regular income. Learned counsel further submits that as per the assets and liabilities submitted by the revision petitioner/husband, the trial Court has rightly awarded interim maintenance which requires no interference.

5. Heard the submissions made by the learned counsel on either side and perused the materials available on record.

6. The relationship between the petitioner and the respondent is not disputed and out of their wedlock, they have a female child and now, the daughter is in the custody of the respondent/wife. Admittedly, the respondent/wife has completed M.B.B.S



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and the revision petitioner/husband is M.Tech Degree holder and as on date, the revision petitioner is doing agricultural work. But the trial Court on considering the affidavit of Assets and Liabilities of the respondent/wife, held that the revision petitioner/husband is earning a sum of Rs.6,00,000/-(Rupees Six Lakhs Only) per month and besides the petitioner's family is owning AR Engineering College in Villupuram District, Sri Venkateshwara Polytechnic College in Villupuram District, CBSC School in Katiyampuliyur at Villupuram and also owns 250 acres of agricultural land and also having own petrol bunk. The petitioner/husband in his affidavit of assets and liabilities stated that he is an agriculturalist and Trustee of Sri Venkateshwara Educational Trust and his monthly income is Rs.1,00,00,000/-(Rupees One Crore only). It is stated by the learned counsel for the revision petitioner that the petitioner/husband has borrowed loan for a sum of Rs.1,00,00,000/-(Rupees One Crore only) but, the trial Court has mistakenly stated that the petitioner/husband is earning a sum of Rs.1,00,00,000/-(Rupees One Crore only) and to that effect, the revision petitioner has produced statement issued by Indian Bank on 13.01.2022 which shows that there was a notice issued by the bank to the revision petitioner as if he availed the loan of Rs.1,00,00,000/-(Rupees One Crore only). The revision petitioner has filed the copy of the notices sent from Indian Bank in respect of loans availed by him. In the said notices, it has been mentioned that the revision petitioner/husband availed Rs.27,00,000/- on 29.04.2015 and



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Rs.10,00,000/- on 13.04.2014 and Rs.27,00,000/- on 29.04.2015 and the revision petitioner has stated that he is due to pay a sum of Rs.1,00,00,000/-(Rupees One Crore Only) for the above loans and the bank has initiated SARFAESI proceedings against the revision petitioner and the OP was filed in the year 2021 prior to the SARFAESI proceedings.

7. From the statement of assets and liabilities submitted before the trial Court from the year 2019 onwards it reveals that he is having tractors and valuable property and he has also borrowed loan and to that effect the revision petitioner/husband is paying interest and he has also shown the details of loan.

8. However, learned counsel for the respondent/wife pointed out that the father of the revision petitioner is running a Trust under the name and style of “Sri Venkatachalapathi Educational Trust” and the petitioner is one of the trustees, which fact was denied by the learned counsel for the petitioner.

9. Considering the facts and circumstances of the case, there is no proof that the revision petitioner is having income of Rs.1,00,00,000/-(Rupees One Crore Only) per month. Considering the status of the revision petitioner, this Court is inclined to



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modify the interim maintenance awarded by the trial Court.

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10. Admittedly, as on date, the revision petitioner paid a sum of Rs.4,50,000/-(Rupees Four Lakhs Fifty Thousand Only) last year for the education expenses of the child and now the child is going to the next Academic Year and for that, the revision petitioner/husband is inclined to pay the educational expenses by giving prior intimation to him.

11. The respondent/wife is directed to inform the revision petitioner/husband either directly or through counsel about the educational expenses of the child and the petitioner/husband is directed to comply with the terms of the educational expenses regularly apart from paying interim maintenance and litigation expenses.

12. In the light of the above, the order passed by the trial Court in I.A.No.1 of 2022 in OP No.5006 of 2021 is modified to the effect that the revision petitioner/husband is directed to pay a sum of Rs.60,000/-(Rupees Sixty Thousand Only) to the child and Rs.50,000/-(Rupees Fifty Thousand only) to the respondent/wife as interim maintenance. Insofar as the amount awarded by the trial court for a sum of Rs.50,000/-(Rupees Fifty Thousand only), towards litigation expenses, the same is



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confirmed and it requires no interference.

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13. The revision petitioner/husband is directed to deposit the interim maintenance amount to the respondent/wife and the revision petitioner/husband is directed to pay the educational expenses of the child whenever it occurs and the respondent/wife is directed to give prior intimation to the revision petitioner about payment of educational expenses.

14. The revision petitioner is directed to pay the arrears of maintenance from the date of filing of the petition within a period of three months from the date of receipt of a copy of this order. Any deviation he is not entitled to proceed with Divorce O.P.

15. The trial court is directed to dispose of OP No.5006 of 2021 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.



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16. With the above direction, the civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index:yes/no

Website:yes/no

Speaking Order/Non-Speaking Order

To

The VII Additional Principal Family Court, Chennai

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