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C.R.P.No.2407 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.2407 of 2024
and C.M.P.No.12571 of 2024

K.Tamizhselvi

... Petitioner

VS.

V.Shankar

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 07.02.2024 made in I.A.No.02 of 2023 in H.M.O.P.No.166 of 2018 on the file of the Principal Subordinate Court, Kancheepuram.

For Petitioner : Mr.C.Ramaraj
for M/s.M.Guruprasad

For Respondent : Mr.A.Bharanichandar
for M/s.C.Pritheevraj

ORDER

The Civil Revision Petition is filed challenging the order passed by the Principal Subordinate Court, Kancheepuram in I.A.No.02 of 2023 in H.M.O.P.No.166 of 2018, dated 07.02.2024 dismissing the application filed by the petitioner seeking interim maintenance.



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2. It is not in dispute that the marital relationship between the petitioner and respondent is strained and respondent/husband filed a original petition in H.M.O.P.No.166 of 2018 seeking divorce and the petitioner/wife filed original petition in H.M.O.P.No.226 of 2019 seeking restitution of conjugal rights. Pending original petitions, the petitioner filed an application seeking interim maintenance to her female child. The said application was dismissed by the Trial Court and aggrieved by the same, the petitioner has come before this Court.

3. The learned counsel appearing for the petitioner would submit that both the petitioner and respondent are having equal responsibilities in bringing up the child and therefore, the Trial Court committed an error in dismissing the application seeking interim maintenance for child.

4. The learned counsel appearing for the respondent would submit that as per the affidavit of assets and liabilities filed by the parties, the monthly income of the respondent/husband is only Rs.37,000/- and whereas, the petitioner/wife is earning nearly Rs.70,000/- per month. In such circumstances, taking into consideration the petitioner is earning nearly



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double the income of the respondent, the Trial Court rightly dismissed the application and hence, it requires no interference.

5. It is settled law both the father and mother have got equal responsibility in bringing up the child. In the case on hand, the petitioner/mother of the child is working as Assistant Section Officer at Secretariat of Tamil Nadu Government, earning monthly salary of Rs.70,000/-. The respondent/father of the child is also a Government Servant, working as a Village Administrative Officer, earning a monthly salary of Rs.37,000/-. The Trial Court ignored the settled principle and dismissed the application without ordering any maintenance to the child.

6. Merely because, the petitioner is earning double the income of the respondent, as a father of the child, he is not entitled to escape from the duty of the bringing up the child. Taking into consideration, the quantum of income of the both the parties, this Court feels the respondent/husband shall be directed to pay a sum of Rs.6,000/- per month as interim maintenance to the child.



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7. It is stated that already this Court by virtue of the interim order directed the respondent to pay interim maintenance at the rate of Rs.5,000/- per month and respondent is complying with the same.

8. The arrears of interim maintenance at the rate of Rs.6,000/- per month shall be paid by the respondent/husband to his child from the date of the maintenance petition, within a period of six weeks from the date of receipt of copy of this order, after giving set-off with regard to the amount already paid by him. The respondent/husband shall continue to pay future maintenance at the rate of Rs.6,000/- per month.

9. With the above direction, the Civil Revision Petition is partly allowed. No costs. Consequently, the connected civil miscellaneous petition is closed.

10.02.2026

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

The Principal Subordinate Court,
Kancheepuram.



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S.SOUNTHAR, J.

dm

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