



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP Nos. 2109 and 2712 of 2025 and

CMP No.12284 of 2025

Nisha Anurag Lodha
1F, Shrestha Raajeswari 7B/10, Balaji Nagar,
3rd Street, Chennai 600 104.

..Petitioner(s) in
Both CRPs

Vs

Anurag Lodha
S/o Vimal Chand Lodha 1F, Shrestha Raajeswari
7B/10, Balaji Nagar 3rd Street Chennai 600 104.

..Respondent(s) in
Both CRPs

Prayer in CRP No.2109 of 2025: Civil Revision Petition filed under Article 227 of Constitution of India seeking direction to the Learned Principal Family Court, Chennai to number the interim-application filed by the Petitioner under Order VI Rule 16 of the CPC read with Section 151 of the CPC bearing SR No. 4394/2025 in OP No. 2134/2023 pending on its file in a time bound manner.

Prayer in CRP No.2712 of 2025: Civil Revision Petition filed under Article 227 of Constitution of India to call for the records and enhance the maintenance awarded in the fair and decreetal order passed in I.A.No.1 of 2023 in O.P.No.2134 of 2023 passed by the Learned Principal Family Court, Chennai dated 30.12.2024.



For Petitioner(s): Ms.V.Chethana

For Respondent(s): Mrs.V.Anuradha

WEB COPY

COMMON ORDER

CRP No.2109 of 2025 has been filed seeking a direction to the Principal Judge, Family Court, Chennai to number the application filed by the petitioner/ wife seeking to strike off the pleadings of the respondent/husband for his failure to comply with the order of interim maintenance made in I.A.No.1 of 2023 in O.P.No.2134 of 2023, dated 30.12.2024.

2. CRP No.2712 of 2025 has been filed by the petitioner/wife seeking enhancement of interim maintenance awarded by the Family Court, Chennai in I.A.No.1 of 2023 in O.P.No.2134 of 2023.

3. It is not disputed that the respondent/husband filed the main original petition seeking dissolution of the marriage between the petitioner and the respondent that had taken place on 04.05.2001 on the ground of cruelty. Pending main O.P., the petitioner filed I.A.No.1 of 2023 seeking interim maintenance and also litigation expenses. The said interim application was partly allowed by directing the respondent/husband to pay a sum of Rs.50,000/- per month to the petitioner's son, who is under custody of the petitioner, apart from the educational expenses of the son and daughter, till the disposal of the main petition.



4. As far as CRP No.2109 of 2025 is concerned, the same has been filed seeking a direction to the family court to number the application filed by the petitioner seeking to strike off the pleadings of the respondent/husband in O.P.No.2134 of 2023 for his failure to comply with the interim maintenance order passed in the above main petition. According to the petitioner, the respondent failed to pay educational expenses to the petitioner's daughter and the said fact was brought to the notice of the court by two memos dated 17.02.2025 and 15.03.2025. It is further stated by the petitioner that due to the refusal of the respondent to pay educational expenses to the petitioner's daughter, the petitioner was constrained to borrow money from her relatives and to make payment of Rs.12,13,994/- to her daughter's education during September and November 2024. In view of the same, the petitioner filed an application seeking to strike off the pleadings of the respondent in the main OP and the same was returned by the court stating that no such order has been passed. Therefore, the instant civil revision petition has been filed seeking a direction to the family court to number the petition.

5. It is seen from the records that the petition filed by the petitioner seeking a direction to strike off the pleadings of the respondent in the main OP was returned by the family court on 15.04.2025 raising objections with regard to its maintainability. The petitioner re-presented the papers on 30.04.2025 by offering her explanations relying on the order dated 30.12.2024 passed in



I.A.No.1 of 2023. However, the family court, again, returned the papers on 20.05.2025 stating that no such order was passed. Hence, the petitioner has come before this court.

6. The operative portion of the order passed by the Family Court in I.A.No.1 of 2023 dated 30.12.2024 reads as follows.

“ In the result, the petition is partly allowed and the respondent is directed to pay a sum of Rs.50,000/- per month to the petitioner's son towards interim maintenance apart from the educational expenses of son and daughter, from the date of this petition till the disposal of the main petition. The respondent shall clear the arrears within three months from today. The respondent shall continue to pay the monthly maintenance amount to the petitioner on or before the 10th of every English Calendar month without fail. The respondent is directed to pay a sum of Rs.50,000/- as one time payment towards litigation expenses.”

7. It is the specific case of the petitioner that the respondent failed to pay educational expenses for her daughter, who is studying in United States. When the matter was came up for admission, this court called for remarks from the learned Principal Judge, Family Court, Chennai. Pursuant to the said direction, the learned Principal Judge submitted an explanation to this court stating that there was no specific direction by the court to the respondent to pay educational



expenses of minor daughter. Therefore, the petition filed by the petitioner was returned.

WEB COPY

8. In the order of return, the Family Court did not mention that there was no specific direction to the respondent to pay educational expenses of daughter. Whether there is a specific direction to the respondent to pay educational expenses of children or not is a matter to be decided, after hearing both the parties. It is the specific assertion of the petitioner that there was a direction to the respondent to pay educational expenses of both the children, but the respondent failed to pay educational expenses of daughter. In such circumstances, if the Family Court is not satisfied with the explanation offered by the petitioner, it should have called the matter in open court and after hearing the petitioner, should have passed orders on merits. However, return of petition again and again cannot be accepted. Therefore, the petitioner is directed to re-present the papers by offering her explanations within two weeks from the date of receipt of copy of this order. If the court is satisfied with the explanation offered by the petitioner, the interlocutory application shall be numbered and the same shall be disposed of in accordance with law on merits. If the court is not satisfied with the explanation offered by the petitioner, then, the matter shall be called in open court and the petitioner shall be given an opportunity to put forth her case on the maintainability of the I.A. and thereafter, orders shall be passed on merits on the question of maintainability. **With the above direction,**



the CRP No.2109 of 2025 is disposed of.

WEB COPY

9. As far as CRP No.2712 of 2025 is concerned, the same was filed seeking enhancement of the interim maintenance ordered by the Family Court.

10. The learned counsel for the petitioner would vehemently contend that having regard to the income of the petitioner and also that of the respondent, the quantum of interim maintenance fixed by the Family Court is very much on lower side and hence, the same requires enhancement. On the other hand, the learned counsel for the respondent would submit that the petitioner is also getting a decent income and she is not a person unable to maintain herself and hence, no maintenance can be ordered to the petitioner. As far as the quantum of interim maintenance ordered to the son of the petitioner is concerned, the learned counsel for the respondent would submit that the same is a reasonable one.

11. It is not disputed that the parties are having a son and a daughter. The son is under the care and custody of the petitioner and is studying in Chennai. The daughter is studying in USA. A perusal of the affidavit of Assets and Liabilities of the petitioner would indicate that she is well qualified and has acquired M.S. in Software Design and Development. As per the affidavit of Assets and Liabilities of the petitioner, she was working as a



Manager in Avlaan Pharmaceutical, earning Rs.1,50,000/- per month.

However, at present, she is working in a company called Fifth Generation Tech and receiving a net salary of Rs.48,000/- to Rs.54,000/- from February 2024. In her affidavit, she also admitted that she has been receiving Rs.25,622/- per month as rental income from the property situated in KR Road, Bangalore. The petitioner also stated that, she is having an apartment in Bangalore, and also owning a land (extent not mentioned) and she has got Fixed Deposit to the tune of Rs.16,00,000/- in S.B.I. and getting interest of Rs.60,000/- per year. She also stated that she is getting interest of Rs.8,500/- per year from the Sovereign Gold Bond. The petitioner also jointly owns property at Srestha Raajeswari Apartments in Egmore along with the respondent.

12. From the above Affidavit of Assets and Liabilities filed by the petitioner, it is clear that she is highly qualified and having decent income under the heads Salary as well as Interest. Taking into consideration the said facts, the Family Court rightly came to the conclusion that the petitioner is having sufficient income for maintaining herself and she is not entitled to any interim maintenance. Therefore, I do not find any error in the findings rendered by the Family Court.

13. As far as the income of the respondent is concerned, as per the Affidavit of Assets and Liabilities filed by him, his Annual Income is quoted as



70,000 U.S.Dollars and the estimated tax liability is mentioned as 30,000 U.S.D. Therefore, as per the Affidavit of Assets and Liabilities of the

respondent, his annual income is quoted as 40,000 USD, after deducting tax liability. If we convert it into rupees, the income of the respondent is Rs.36,00,000/- per year. It is further admitted by the respondent that he is getting income of Rs.3,79,875/- towards salary, after deducting tax liability, in his capacity as Director of Avlaan Pharmaceutical Private Limited in India. The respondent in his Affidavit of Assets and Liabilities mentioned about the loan availed from U.S. Government for the education of his daughter. However, the details regarding repayment of the loan amount as to whether it is to be paid by his daughter, after acquiring educational qualification or by the respondent, after completion of course is not mentioned. Admittedly, the daughter is with the respondent and she is studying in U.S. Therefore, the respondent has to take care of his daughter and meet her educational expenses and incidental expenses thereto. Taking into consideration the total income of the respondent, after deduction of tax liability and also the expenses to be incurred by him to maintain her daughter in U.S., the quantum of maintenance awarded by the learned Judge to the son, who is residing with the petitioner in India at Rs.50,000/- per month appears to be reasonable. The petitioner has not made out any case for enhancing the quantum of interim maintenance ordered by the Family court. Hence, I do not find any irregularity or illegality in the order passed by the Trial Court. Accordingly, CRP No.2712 of 2025 stands



dismissed by confirming the order passed by the Family Court.

WEB COPY

14. In nutshell, CRP No.2109 of 2025 stands allowed, by directing the petitioner to re-present the papers within two weeks from the date of receipt of copy of this order, offering her explanations. The Family Court is directed to number the IA SR No.4394 of 2025, if it is satisfied with the explanations offered by the petitioner and dispose of the same on its own merits. On the other hand, if the Family Court is not satisfied with the explanations offered by the petitioner, the matter shall be called in open court and the petitioner shall be afforded with an opportunity to put forth her case and thereafter, orders shall be passed on the maintainability, on its own merits. There shall be no order as to costs. Connected miscellaneous petition is closed.

15. CRP No.2712 of 2025 stands dismissed by confirming the order passed by the Family Court, There shall be no order as to costs.

09-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MST

Note: Registry is directed to return the original papers in I.A.Sr No.4394 of 2025 to the learned counsel for the petitioner, after obtaining necessary endorsement.



To

The Principal Judge,
Family Court, Chennai.

CRP Nos. 2109 and 2712 of 2





WEB COPY

CRP Nos. 2109 and 2712 of 2



S.SOUNTHAR, J.

MST

CRP Nos. 2109 and 2712 of 2025

09-02-2026