



C.R.P.No.2197 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.2197 of 2025
and C.M.P.No.12782 of 2025

S.Ganesh

... Petitioner

VS.

Shanmozhi

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order and decretal order passed in I.A.No.99 of 2020 in H.M.O.P.No.312 of 2019 dated 02.04.2025 on the file of learned Principal Sub Judge, Ponneri and allow the Civil Revision Petition.

For Petitioner : Mr.V.Chandrakanthan

For Respondent : M/s.Vishal Sridhar
for M/s.P.V.S.Giridhar Associates

ORDER

The Civil Revision Petition is filed challenging order passed by the Principal Sub Judge, Ponneri in I.A.No.99 of 2020 in H.M.O.P.No.312 of 2019, dated 02.04.2025 fixing the quantum of interim maintenance at Rs.8,000/- per month.



2. The petitioner herein filed original petition in H.M.O.P.No.312 of 2019 for divorce against the respondent on the ground of cruelty and desertion. Pending main original petition, the respondent herein filed an application seeking interim maintenance at the rate of Rs.20,000/- per month to the respondent/wife and Rs.10,000/- per month for the child. The Trial Court by impugned order directed the petitioner to pay a sum of Rs.8,000/- per month to the respondent/wife and Rs.9,000/- per month to the child. Aggrieved by the said order, the petitioner has come before this Court.

3. The learned counsel appearing for the petitioner would submit that he is not assailing the quantum of interim maintenance fixed in respect of his child and he is only aggrieved by the quantum of interim maintenance to the respondent/wife. The said statement made by the learned counsel appearing for the petitioner is recorded.

4. The learned counsel appearing for the petitioner submits that the petitioner is presently unemployed and he has no source of income, therefore, the quantum of interim maintenance fixed by the Trial Court is very much higher side. He further states that the respondent left matrimonial house voluntarily without any reasonable cause. Therefore, the petitioner is not liable to pay any maintenance amount to the respondent/wife.



5. The learned counsel appearing for the respondent would submit that as per the counter affidavit filed by the petitioner, he retired from service on 17.12.2019 voluntarily and it is not his case that he was removed from the employment. It is further stated that the petitioner is gainfully employed and he is earning more than Rs.40,000/- per month.

6. As per the affidavit of assets and liabilities filed by the petitioner, he is B.Tech, E.E.E Graduate. A reading of counter of respondent filed to main original petition would indicate the petitioner was gainfully employed in Crown Solution India Private Limited, Chennai. However, in the counter to petition for interim maintenance, the petitioner claimed that he left the job. Taking into consideration his higher qualification, this Court feels he must be having a decent income. The respondent in the application seeking interim maintenance had stated that monthly income of the petitioner was Rs.40,000/- per month. There is no proof to substantiate the same.

7. Taking into consideration absence of concrete evidence to prove income of petitioner, having qualification of petitioner in mind, this Court comes to the conclusion that he must be having decent income. In these circumstances, this Court feels the quantum of interim maintenance ordered



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by the Trial Court is on higher side. Therefore, the interim maintenance fixed by the Principal Sub Judge, Ponneri at the rate of Rs.8,000/- per month is reduced to Rs.5,000/- per month.

8. As far as the quantum of interim maintenance regarding the child and the litigation expenses are concerned, since the same are not challenged, the correctness of the same has not been considered.

9. In view of the same, the Civil Revision Petition stands partly allowed and the order passed by the Principal Sub Judge, Ponneri directing the petitioner/husband to pay a sum of Rs.8,000/- per month to the respondent/wife is modified and the interim maintenance amount is reduced to Rs.5,000/- per month. In other aspects, the direction issued by the Principal Sub Judge, Ponneri is confirmed. No costs. Consequently, the connected civil miscellaneous petition is closed.

20.01.2026

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



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To

The Principal Sub Judge,
Ponneri.



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S.SOUNTHAR, J.

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