



WEB COPY

CRP No. 2940 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CRP No. 2940 of 2024
C.M.P.No.15728 of 2024**

K. Velu

..Petitioner(s)

Vs

1.Inthumathi

2.Minor Tiravia Lachmi

..Respondent(s)

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, pleased to set aside the order dated 08.11.2023 passed in I.A.No.140 of 2023 in O.S.No. 57 of 2023 on the file of the learned Principal District Judge, Cuddalore.

For Petitioner(s): Mr.R.Sunilkumar

For Respondent(s): Mr.P.Muthukumaraswamy

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court directing the petitioner to pay interim maintenance at the rate of Rs.20,000/- per month to the first respondent / wife and Rs.15,000/- per month to the second respondent minor child.



2.The respondents herein filed a suit for partition against the petitioner and others. They also sought for decree for maintenance directing the petitioner / third defendant to pay a sum of Rs.1,00,000/- each for respondents 1 and 2 / plaintiffs from the date of plaint with a charge on the third defendant's share in the suit properties.

3.Pending suit, the respondents filed I.A.No.140 of 2023 seeking interim maintenance at the rate of Rs.1,50,000/- per month. The said application was partly allowed by directing the petitioner to pay a sum of Rs.20,000/- as maintenance to wife and Rs.15,000/- as maintenance to the minor child. Aggrieved by the said order, petitioner has come before this Court.

4.The learned counsel appearing for the petitioner would submit that trial Court having held that both the parties failed to prove their income, committed an error in fixing quantum of maintenance at Rs.20,000/- per month and Rs.15,000/- per month respectively payable to wife and minor child. The learned counsel further submits that the petitioner is willing to maintain the respondents, if they are willing to rejoin petitioner. It is also submitted that petitioner has got one child through deceased first wife and he has the responsibility of maintaining the child also.



5. The learned counsel appearing for the respondents would submit that second respondent minor child is suffering from autism. Therefore, the petitioner is liable to maintain the said child. The special care to be taken in respect of the child affected with autism shall also be taken into consideration while fixing the quantum of maintenance. A perusal of the pleadings of the parties would indicate the suit properties are ancestral properties and the same was allotted to share of petitioner / third defendant in a family partition that had taken place on 14.09.2004. Since, the suit properties are ancestral properties, *prima-facie*, the second respondent minor child is entitled to a share in the suit properties by birth. Admittedly, the entire properties are in possession and enjoyment of the petitioner. Further, the petitioner is bound to maintain the second respondent minor child and he cannot escape from the liability of maintaining the child. There is no evidence available on record that first respondent / wife is employed and she is capable of maintaining herself. In such circumstances, this Court has no hesitation in coming to the conclusion that the petitioner is bound to maintain both the respondents.

6. Coming to the quantum of maintenance, it is seen from the description of properties found in the plaint, the petitioner possessed of agricultural lands with an extent of 3 acres 97 cents. Having regard to the extent of agricultural lands in possession of the petitioner and the uncertainty in getting agricultural income in Cuddalore District, which is prone for the cyclonic storms, this Court



feels the quantum of interim maintenance fixed by the trial Court is on the higher side. Taking into consideration the relative circumstances of the parties, the quantum of interim maintenance fixed for minor child is affirmed. However, the quantum of interim maintenance fixed for wife is reduced from Rs.20,000/- per month to Rs.7,000/- per month. Accordingly, the Civil Revision Petition stands partly allowed by directing the petitioner to pay interim maintenance to the first respondent at the rate of Rs.7000/- per month and the maintenance of second respondent shall be paid at the rate of Rs.15,000/- per month. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

7.It is made clear that at the time of final disposal, if Court comes to the conclusion that the amount directed to be paid by way of interim maintenance is on higher side, it can be adjusted with future maintenance and the same can be considered in final decree proceedings.

18-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To:-
The Principal District Judge, Cuddalore.



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S.SOUNTHAR, J.

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