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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition Nos.4194 & 6230 of 2026
and
C.M.P.No.18305 & 26914 of 2026

Case QR

CNR: {HCMA012304302026}

C.R.P.No.4194 of 2026

M.Yuvaraj
S/o.T.Masilamani

..Petitioner

Vs

1.Preethi Prabha
W/o.M.Yuvaraj

2.Minor Y.Yazhini
W/o.M.Yuvaraj
(represented by her mother Mrs.Preethi Prabha)

..Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India praying to call for records pertaining to E.P.No.72 of 2025 pending before the VII Additional Family Court, Chennai and strike off the same.

C.R.P.No.6230 of 2026

M.Yuvaraj
S/o.T.Masilamani

..Petitioner

Vs

Preethi Prabha
W/o.M.Yuvaraj

..Respondent

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Civil Revision Petition filed under Article 227 of the Constitution of India against the order passed by the VII Additional Family Court, Chennai, in I.A.No.2 of 2025 in O.P.No.2300 of 2022 dated 12.08.2026.

For Petitioner [in both revisions] : Mr.Leelesh Sundaram for M/s.Nathan and Associates

For Respondents [in both revisions] : Ms.I.Bobby Portia

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COMMON ORDER

These civil revision petitions have been filed by the husband wherein the husband is seeking for striking off the proceedings in E.P.No.72 of 2025 on the file of VII Additional Family Court, Chennai and he is also challenging the order dated 12.08.2026 passed in I.A.No.2 of 2025 in O.P.No.2300 of 2022 by the VII Additional Family Court, Chennai, wherein the Court below directed the husband to pay the arrears of maintenance within a period of one (1) month, failing which the main original petition itself will be closed.

2. Heard learned counsel on either side and carefully perused the materials available on record. This Court also went through the impugned order.

3. The petitioner/husband filed O.P.No.2300 of 2022 seeking dissolution of marriage on the ground of cruelty. Pending this petition, the respondent/wife

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filed I.A.No.1 of 2023 in O.P.No.2300 of 2022 under Section 24 of the Hindu Marriage Act seeking interim maintenance. The Family Court, by order dated 26.09.2024, directed the petitioner/husband to pay a sum of Rs.5,000/- p.m. to the first respondent/wife and Rs.15,000/- to the second respondent/minor child as interim maintenance pending the main original petition. The above order was put to challenge by the petitioner/husband in C.R.P.No.4882 of 2025. This Court, on considering the rival contentions, disposed of the civil revision petition by order dated 07.01.2026 in the following terms:

> "6. Since the 1st respondent's salary is more than the petitioner, the Trial Court ought not to have ordered for maintenance at the rate of Rs.5,000/- per month to the 1st respondent. When the 1st respondent is unable to maintain herself out of her own income, there is no justification in directing the petitioner to pay maintenance to maintain her. Therefore, the impugned order passed by the Family Court directing the petitioner to pay a sum of Rs.5,000/- per month as interim maintenance to the 1st respondent is set aside and the Civil Revision Petition stands allowed to that extent, however, it is made clear that in other aspects, the impugned order is confirmed. No costs."

4. Pursuant to the above order, the first respondent/wife filed a memo before the Court below and brought to the notice of the Family Court that arrears of maintenance is due and payable and till the said amount is paid, the original petition cannot be prosecuted and the same has to be closed.

5. The Family Court dealt with the application filed by the respondent/wife in I.A.No.2 of 2025 in O.P.No.2300 of 2022 to strike off the original petition for non-compliance of the conditional order passed in I.A.No.1

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of 2023 dated 26.09.2024. This application was disposed of on 12.08.2026 directing the petitioner/husband to pay the arrears of maintenance as ordered by this Court within a period of one month failing which order of dismissal will be passed in the main original petition.

6. It is brought to the notice of this Court that the original petition has already been dismissed. The first respondent/wife also filed E.P.No.72 of 2025 for recovery of arrears of maintenance.

7. The main ground urged on behalf of the petitioner/husband is that the claim made by the first respondent/wife is wholly unsustainable and a misleading memo was filed before the Court below which completely ran contrary to the order passed by this Court in the civil revision petition, as a result, the Court below erred in closing the original petition and entertaining the execution petition. The respondent/wife has filed a common counter and the relevant portion is extracted hereunder:

> "**Updated calculation of maintenance up to November 2026:**
>
> 16. The Respondents further submit that even after the dismissal of the main O.P. No.2300 of 2022 on 11.09.2026, the Petitioner continued to make payments of Rs.15,000/- for the months of September, October and November 2026, aggregating to Rs.45,000/-. The said payments have also been duly included in the the above payment table. The Respondents have calculated the total maintenance liability up to November 2026, taking into account 40 months from the

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date of filing of I.A.No.1 of 2023, as follows:

S.No.	Particulars	Amount
1	Monthly maintenance payable to the minor child	Rs.15,000/-
2	Total period calculated from 05.07.2023 to November 2026	40 months
3	Total maintenance payable for 40 months (40 x Rs.15,000/-)	Rs.6,00,000/-
4	Total actual payments received from the Petitioner, including payments up to 12.11.2026	Rs.2,76,000/-
5	**Balance outstanding maintenance payable to the minor child**	**Rs.3,24,000/-**

17. The Respondents submit that, even after giving full credit for all payments made by the Petitioner, a sum of Rs.3,24,000/- remains due towards the minor child's maintenance up to November 2026. Further, the Respondents clarify that the present calculation of Rs.6,00,000/- towards total maintenance and Rs.3,24,000/- towards outstanding arrears relates exclusively to the minor child's maintenance at Rs.15,000/- per month and does not include the wife's maintenance of Rs.5,000/- per month, which was set aside by this Hon'ble Court. Hence, the Petitioner's allegation that the Respondents are seeking to recover the wife's maintenance is false and misleading, as the claim is confined solely to the minor child's surviving entitlement."

8. It is clear from the counter filed by the respondents that the first respondent/wife is not claiming any maintenance for herself since this Court has set aside that portion of the order passed by the Family Court. What is claimed by the first respondent/wife is the arrears of maintenance payable to the child at the rate of Rs.15,000/- p.m. This portion of the order was not interfered with by this Court and the civil revision petition was dismissed.

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N.ANAND VENKATESH, J.
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9. In view of the same, the first respondent/wife calculated the arrears of maintenance at the rate of Rs.15,000/- p.m. from 05.07.2023 to November'2026 and given credit to the amounts that have already been paid by the petitioner/husband and arrived at the balance arrears of Rs.3,24,000/-. This calculation made by the first respondent/wife is perfectly in line with the order passed by this Court in the civil revision petition. Unless and otherwise this arrears of amount is paid, there is no question of allowing the petitioner/husband to argue the main original petition. If the arrears of maintenance is not paid, the petitioner/husband is certainly not entitled to prosecute the execution petition. Therefore, there is no ground to strike off the execution proceedings. In the light of the above, the impugned order is sustained.

Accordingly, these civil revision petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

17-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To
The VII Additional Family Court,
Chennai.

Civil Revision Petition Nos.4194 & 6230 of 2026

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