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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 24-11-2026	Delivered on: 26-11-2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

Civil Revision Petition No.5721 of 2026
& CMP.No.24685 of 2026

CNR:{HCMA012038822026}

Case QR

R.Rajkumar
S/o. E.Ravi Shankar,
1/53, O, 2nd Street,
Sripuram Colony,
St.Thomas Mount,
Chennai 600 016.

...Petitioner

Vs

Swapna.R
W/o. R.Rajkumar,
VGR Fairmont,
11h, D Block, 78,
Parthasarathy Koil street,
Arulayammanpet,
Thiru Vi.Ka.Industrial Estate,
Guindy, Chennai 600 032.

...Respondent

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PETITION under Article 227 of The Constitution of India against the fair and decretal orders dated 01.7.2026 passed in I.A. No.2 of 2024 in HMOP.No.1584 of 2024 on the file of the Second Additional Principal Family Court, Chennai.

For Petitioner: Mrs.K.Santhakumari
For Respondent: Mr.Avinash Wadhwani for Mr.M.Kempraj

ORDER

This civil revision petition has been filed under Article 227 of The Constitution of India against the fair and decretal orders dated 01.7.2026 passed in I.A.No.2 of 2024 in HMOP.No.1584 of 2024 on the file of the Second Additional Principal Family Court, Chennai (for short, the Court below) wherein the Court below, acting upon the application filed by the respondent/wife under Section 24 of the Hindu Marriage Act, directed the petitioner/husband to pay interim maintenance of Rs.50,000/- per month from the date of filing of the divorce petition.

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2. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

3. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned order.

4. The respondent/husband filed the said divorce petition before the Court below on the grounds of cruelty and adultery. Pending the divorce petition, the respondent/wife filed the said application under Section 24 of the Hindu Marriage Act to direct the petitioner/husband to pay an interim maintenance of Rs.2 lakhs every month till the disposal of the said divorce petition.

5. The said application was contested by the petitioner/ husband wherein he took a stand that the respondent/wife runs a fuel station and is doing hair oil business; that she also runs a film production company; and that she is earning sufficiently to take care of herself. Apart from that, the petitioner/husband took a stand that the respondent/wife is living in adultery and that therefore, she

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would not be entitled to claim maintenance for herself.

6. The Court below, after considering the rival submissions and the materials relied upon by both sides, came to the conclusion that the respondent/wife is entitled for interim maintenance and accordingly, fixed a sum of Rs.50,000/- payable by the petitioner/ husband every month from the date of filing of the said divorce petition. Aggrieved by that, the above revision has been filed before this Court.

7. The main ground that was urged on the side of the petitioner/husband is that the respondent/wife had sought for maintenance only for herself and not for the children; that in view of the same, the Court below ought to have satisfied itself regarding the fact that the respondent/wife is sufficiently earning through various businesses; that she has even declared before the Income Tax Department regarding the aggregate turn over; that therefore, the Court below, without considering the same, has mechanically passed the impugned order for paying interim maintenance; that initially, the children were in the custody of the petitioner/husband;

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that from 25.6.2025 onwards, the children are in the custody of the respondent/wife; and that the petitioner/husband would be willing to pay maintenance for the children alone from that date.

8. Per contra, the learned counsel appearing on behalf of the respondent/wife has submitted that the so-called business belongs to her father and not the respondent/wife; that the reported monthly income of the respondent/wife after payment of income tax is Rs.78,869/-, out of which, she is paying a rent of Rs.30,000/- per month; and that apart from that, she also incurs various expenses to maintain the standard of living that she used to.

9. With regard to the stand taken by the petitioner/husband that he is willing to pay maintenance of Rs.50,000/- to the children from 25.6.2025, it is submitted on the side of the respondent/wife that the children were treated with cruelty by the petitioner/ husband, which resulted in filing of an application before this Court in A.No.3606 of 2025 in G.W.O.P.No.707 of 2024; that a learned Single Judge of this Court took into consideration the conduct of the petitioner/husband and by order dated 26.8.2025, directed the

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children to be handed over to the respondent/wife during weekdays; that at the instance of the petitioner/husband, the said order dated 26.8.2025 was further confirmed by a Division Bench of this Court in O.S.A.No.363 of 2025 by judgment dated 27.11.2025 while setting aside that portion of the said order dated 26.8.2025 passed by the learned Single Judge of this Court granting custody of the minor children to the petitioner/husband during weekends; that the Division Bench of this Court, in the said judgment dated 27.11.2025, directed the petitioner/father to meet the entire educational expenses and other expenses of the children; and that the petitioner/husband could not attempt to deny payment of maintain to the respondent/wife and take a specious plea that he would pay maintenance amount to the children alone with effect from 25.6.2025.

10. The petitioner and the respondent were married in the year 2010 and they were blessed with twin male children. One of the children is said to have been affected with dyslexia and ADHD. The marital relationship between the couple hit a road block and the said divorce petition came to be initiated by the petitioner/husband

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on the ground of cruelty and adultery. It is clear from the earlier orders passed by by both the learned Single Judge as well as the Division Bench of this Court that the children, who were initially in the care and custody of the petitioner/husband, were removed from his custody and were handed over to the respondent/wife.

11. On going through the earlier orders, it is seen that this Court took into consideration several incidents that were narrated by the children as to the physical and emotional abuses caused to the children by the petitioner/husband. Considering the same, this Court directed the petitioner/father to meet out the educational expenses and other expenses. In the light of the said judgment of the Division Bench of this Court in OSA.No.363 of 2025 dated 27.11.2025, the present application has been filed by the respondent/wife only seeking maintenance for herself.

12. The Court below took into consideration the statement of income and expenditure that was filed by the respondent/wife, in which, it is seen that she is earning on an average of Rs.78,869/-. On the expenditure side, it is seen that Rs.30,000/- is spent straight

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away towards monthly rent, repairs and maintenance. Apart from that, there are other expenses incurred including the money spent for the maintenance of the children to the tune of Rs.2 lakhs. The Court below took into consideration the income earned by the petitioner/husband, who is a director in a private limited company. Taking note of the standard of living of both parties, the Court below directed the petitioner/husband to pay a sum of Rs.50,000/- per month towards monthly maintenance to the respondent/wife.

13. Both the sides have come up with nasty allegations against each other. It is not necessary for this Court to go into those details since it will have a bearing when the main divorce petition is decided on merits.

14. The reasoning given by the Court below, after taking note of all the materials placed before it, while fixing the monthly maintenance of Rs.50,000/- per month to the respondent/wife does not suffer from any perversity warranting the interference of this Court nor requires the interference of this Court while exercising its jurisdiction under Article 227 of The Constitution of India.

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15. In the result, the above civil revision petition is dismissed and the impugned order 01.7.2026 passed in I.A.No.2 of 2024 in HMOP.No.1584 of 2024 on the file of the Second Additional Principal Family Court, Chennai is sustained. There shall be a direction to the petitioner/husband to pay the arrears of maintenance from the date of filing of the divorce petition till November 2026, after giving credit to the amounts already paid/deposited, if any within four weeks from the date of receipt of a copy of this order. The petitioner/ husband shall also continue to pay the monthly maintenance of Rs.50,000/- to the respondent/wife till the disposal of HMOP.No. 1584 of 2024. No costs. Consequently, the connected CMP is also dismissed.

26-11-2026

To
The Second Additional Principal
Family Court, Chennai.

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