



WEB COPY

CRP No. 462 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 462 of 2026 and

CMP No.2552 of 2026

T.Vengatesan
No 20/B, Gandhi Nagar,
Subramaniyapuram, Trichy 620020

..Petitioner(s)

Vs

Jayashree, Plot No 1, III Cross,
Siva Sakthi Nagar, 28th Street,
Railway Car shed Complex, Powerline Road,
Annanur, Chennai 600109.

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India
to set aside the Decree and Judgement in IA.No.2 of 2022 in HMOP.No.3165 of
2015 dated 03.09.2025 on the file of II Additional Principal Family Court,
Chennai to secure ends of justice and thus render justice

For Petitioner(s): Mr.R.Sankarasubbu

For Respondent(s): Mr. Selvirajesh
for Mr.P.Rajesh



ORDER

This Civil Revision Petition is filed challenging the order passed by the Family Court, directing the petitioner to pay interim maintenance at Rs.15,000/- per month.

2. The petitioner herein/husband filed the main OP seeking divorce on the ground of cruelty. Pending OP, the respondent herein/wife filed an application under Section 24 of Hindu Marriage Act seeking interim maintenance at Rs.30,000/-. According to the respondent, the petitioner was working as Loco Pilot in Railway Department and now he is earning a sum of Rs.65,000/- per month as pension. It is also stated by her that the son of the parties is a B.E. Graduate and is preparing for higher studies and their second child, daughter, is studying her U.G first year.

3. The petitioner herein filed counter and resisted the claim for maintenance on the ground that he has retired from service and earning pension at Rs.65,961/- per month. It is further stated by him that the respondent is gainfully employed and getting more income than the petitioner. Therefore, according to him she is not entitled to maintain a petition for interim maintenance.



4. The Family Court, by the impugned order, directed the petitioner to pay maintenance at Rs.15,000/- per month to the respondent and also to pay Rs.25,000/- to the respondent towards litigation expenses. Aggrieved by the same, the petitioner has come before this court.

5. The learned counsel for the petitioner would vehemently contend that the impugned order has been passed, without giving due opportunity to the petitioner to prove his case and therefore, the impugned order may be set aside and the matter may be remitted back to the Family Court for fresh consideration. He further submits that the respondent is gainfully employed and is earning more income than the petitioner. Therefore, the Family Court had committed an error in ordering maintenance.

6. It is seen from the typed set of papers that the petitioner filed counter resisted the petition filed by the respondent for interim maintenance. Both the petitioner and the respondent filed their respective affidavit of Assets and Liability before the family court. A reading of the impugned order would make it clear that the petitioner was given due opportunity and after hearing him, the impugned order has been passed. Therefore, the submission made by the learned counsel appearing for the petitioner that the petitioner was not given due opportunity to prove his case cannot be accepted.



7. It is seen from the records that the petitioner is a retired Loco Pilot and he is receiving a sum of Rs.65,961/- as pension. Though it was claimed by the petitioner that the respondent is gainfully employed, no evidence has been produced by him before the court below to substantiate the same. The respondent/wife, in her Affidavit of Assets and Liability, mentioned that she is a M.Com Graduate with additional qualification of PGDCA and SAP. It is also stated in the said affidavit that earlier, the respondent was working as a Executive Secretary in a private company on contract basis and earning a sum of Rs.65,000/- per month till July 2018. However, at present, she is unemployed. She also stated that she filed income tax returns for the financial year 2013-2014 and thereafter, she has not filed any income tax return. Therefore, the submission made by the learned counsel for the petitioner that the respondent is gainfully employed and she is receiving more income than the petitioner cannot be accepted. Taking into consideration that the petitioner/husband is bound to maintain the respondent/wife and also the fact that the second child is pursuing her first year U.G., the quantum of interim maintenance fixed by the family court appear to be very reasonable and the same warrants no interference by this court.



8. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

04-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MST

To

The II Additional Principal Judge,
Family Court, Chennai.



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S.SOUNTHAR, J.

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