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CRP.Nos.5996 & 5998 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:08.01.2026

Pronounced on:30.01.2026

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THE Hon'ble MR.JUSTICE P.B.BALAJI

CRP. Nos.5996 & 5998 of 2025

and

CMP. Nos.29698 & 29701 of 2025

K.S.K.Nepolian Socraties,

Petitioner in both CRPs

Vs

S.Menaka

Respondent in both CRPs

COMMON PRAYER: These Civil Revision Petitions is filed under Section 115 of the CPC to set aside the fair and decretal order passed in I.A. Nos.04 of 2021 & 02 of 2021 in OP. No.4812 of 2019 dated 23.10.2025 on the file of V additional principal Judge, Family Court, Chennai.

For Petitioner : Mr.R.Marudhachalamurthy
in both CRPs

For Respondent : Mr.G.Mohanakrishnan
in both CRPs

COMMON ORDER



These revision petitions are at the instance of the husband who has suffered orders directing payment of interim maintenance as well as return of articles before the Family Court.

2. I have heard Mr. R.Marudhachalamurthy, learned counsel for the petitioner/husband and Mr.G.Mohanakrishnan, learned counsel for the respondent/wife.

3. Mr.Marudhachalamurthy, learned counsel for the revision petitioner/husband would state that both the parties are admittedly lawyers and they were married on 01.12.2017. However, within a very short span of time, disputes arose and the wife left the matrimonial home. The husband moved the Family Court seeking dissolution of the marriage alleging cruelty and dessertion. Pending the said OP, the respondent /wife filed applications for maintenance, interim maintenance as well as for return of articles.

4. Mr.Marudhachalamurthy, learned counsel for the petitioner would invite my attention to the order passed by the Family Court on 23.10.2025. The respondent had filed IA.No.04 of 2021 seeking an



interim maintenance of Rs.2,00,000/- per month and also Rs.3,00,000/- as maintenance. By order dated 29.04.2021, the Family Court ordered the petitioner to pay a sum of Rs.1,25,000/- per month. The same was challenged before the Division Bench of this Court in CMA.No.1914 of 2021 and by order dated 29.03.2022, the Division Bench of this Court granted stay on condition that the petitioner complies with the order dated 05.10.2021 and pays a sum of Rs.3,50,000/- to the respondent. Admittedly, according to Mr.Marudhachalamurthy, the said order was complied with. However, on 29.03.2022, the Hon'ble Division Bench directed payment of a further Rs.1,50,000/- on account of arrears of interim maintenance. The said order admittedly has also been complied with.

5. Subsequently, by order dated 21.03.2024, the Hon'ble Division Bench gave liberty to the petitioner to prefer a revision challenging the order of interim maintenance and the petitioner filed the revision before this Court and taking note of the payment of Rs.5,00,000/-, this Court by order dated 09.07.2024 granted stay. On 15.04.2025, the Civil Revision Petition was allowed and the matter was remitted to the Family Court for a de novo enquiry. The Special Leave Petition filed as against the



dismissal of the revision was dismissed on 04.08.2025. It is thereafter that the learned Judge of the Family Court has proceeded to enquire into the matter and passed the impugned order, directing payment of Rs.50,000/- as interim maintenance.

6. Mr.Marudhachalamurthy, learned counsel for the petitioner, taking me through the impugned order passed by the Family Court, would contend that the findings are all in favour of the petitioner and unfortunately, while determining the quantum of maintenance, the Family Court has erred in awarding Rs.50,000/- per month. It is the specific case of Mr.Marudhachalamurthy, learned counsel for the petitioner that the petitioner himself was a law student when he was married and he was wholly dependent on his parents. He would further contend that his enrolment was only in the year 2022 and he is a raw junior who does not earn handsomely for becoming liable to maintain his wife by paying a fanciful interim maintenance of Rs.50,000/-. The learned counsel would also state that the Family Court has erroneously held that the petitioner can pay the interim maintenance with the support of his affluent parents. The learned counsel would state that such an order is wholly unsustainable in the eye of law and necessarily deserves to be set aside.



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7. In support of his submissions, Mr.Marudhachalamurthy, learned counsel for the petitioner has relied on the following decisions:

1. *Mamta Jaiswal v. Rajesh Jaiswal*, reported in (2000) SCC Online MP 580;

2. *Vijay Kumar v. Harsh Lata Agarwal* in CM(M).No.539 of 2008 before the High Court of Delhi at New Delhi, dated 10.09.2008; and

3. *Anju and Anr. v. Rinku Dahiya* in MAT.APP.(F.C)78 of 2023 before the High Court of Delhi at New Delhi, dated 11.10.2023.

8. Relying on the above decisions, Mr.Marudhachalamurthy would contend that the purpose of paying interim maintenance under Section 24 of the Hindu Marriage Act is only to ensure that the applicant does not live in penury, unable to even meet the litigation expenses. In this regard, he would also state that the Family Court has not appreciated the affidavit of assets and liabilities in a proper perspective and has assumed ownership of assets, movable and immovable, which admittedly do not belong to the petitioner. The learned counsel, therefore, prays for the revision to be allowed.



9. Insofar as CRP.No.5998 of 2025, Mr.Marudhachalamurthy, learned counsel for the petitioner contends that the respondent has taken back all her belongings and there is nothing available with the petitioner to be returned to the respondent. He would therefore state that the Family Court has clearly erred in allowing the application for return of articles as well and prays for the revision in CRP.No.5998 of 2025 also being allowed.

10. In reply, Mr.G.Mohanakrishnan, learned counsel appearing for the respondent/wife, insofar as the revision challenging the order of return of articles, would state that the Family Court has passed a well considered order and has taken into account the case of the petitioner himself in accepting the version projected by the respondent/wife and therefore, the said order does not call for any interference in revision.

11. With regard to interim maintenance, Mr.Mohanakrishnan would contend that the petitioner lives in very affluent circumstances and in order to demonstrate the same, learned counsel relies on the evidence adduced by the parties before the Family Court. He would also rely on an additional typed set of papers which contains a list of properties, movable



and immovable belonging to the petitioner and his family.

Mr.Marudhachalamurthy, however, would strongly object to any reliance being placed on the additional typed set of papers, since according to him these documents were not exhibited before the Family Court.

12. Mr.Mohanakrishnan would further contend that when the petitioner and his parents own a palatial bungalow and several other properties and have a large number of staff and servants who are paid very well, the wife is entitled to maintenance to ensure that she sustains the same standard of living which she enjoyed in the matrimonial home. He would therefore state that the Family Court has weighed all relevant factors and rightly come to the conclusion that a sum of Rs.50,000/- would be fair and equitable.

13. He would also rely on the decision of the Delhi High Court in

1. CRL.REV.P.No. 51 of 2025 dated 15.12.2025;
 2. *Smt. Deepali Lengade v. Sri Sandeep Lengade and Anr*, before the *Karnataka High Court in W.P. No.2688 of 2023, dated 01.09.2023*;
- and



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3. *Ameesharan Desai v. Sharan Sanjeev Desai* before the *Bombay High Court* in *W.P. No. 8825 of 2014*, dated 23.08.2016.

14. I have carefully considered the submissions advanced by the learned counsel for the parties.

15. It is really unfortunate that the husband and wife are both lawyers and they were married even during their college days. After enrollment on the same day in 2022, the husband and the wife started practice as well. It is however contended by Mr.Mohanakrishnan, learned counsel for the respondent that as on date the respondent has suspended her practise because of the matrimonial disputes and has no independent source of income as alleged by the petitioner. In fact, the petitioner and the respondent barely lived together for 40 days, within which time disputes took an ugly turn and several civil and criminal cases came to be filed against each other.

16. Section 24 of the Hindu Marriage Act provides for “maintenance *pendente lite* and expenses of matrimonial proceedings”. It is now settled legal position that while considering an application under



Section 24 of the Hindu Marriage Act, the Court is only concerned with interim protection to be given to the wife or the husband, who has no independent income, sufficient for his or her support and also to meet the necessary expenses of the proceedings. The Court has to fix such interim maintenance having regard to the petitioner's own income and taking into account the income of the respondent. At the outset, therefore, it is to be kept in mind that the revision arises out of only an interim maintenance application and not a claim for permanent alimony/maintenance, which has to be considered in a totally different set of factors, where the status of the parties, their social needs, financial capacity of the husband etc., have to be taken into account. Admittedly, the petitioner and the respondent are not blessed with any children.

17. It is therefore to be seen whether the award of Rs.50,000/- per month by the Family Court is fair, just and reasonable. Both the parties have been permitted to lead evidence and in fact pursuant to directions issued by this Court, the interim maintenance application was directed to be disposed of along with the main O.P. for dissolution.



18. For the sake of record, it is also noted that by order dated 23.10.2025, the O.P. No.4812 of 2019 filed by the petitioner/husband has been dismissed and according to Mr.Marudhachalamurthy, the said order is being challenged in accordance with the provisions of the Hindu Marriage Act, before this Court.

19. In the affidavit in support of the application for interim maintenance, the respondent/wife has stated that the entire marriage expenses were borne by her father and that apart 40 sovereigns of gold jewellery were given to the petitioner's family and 10 sovereigns of gold jewellery was given to the wife, that is the respondent herein, along with silver articles weighing 1 kg, as Stridhana. The petitioner's parents are getting good pension amount, close to Rs.90,000/- per month each and they are also owning 4 cars, paying Rs.20,000/- as salary to one driver alone. The petitioner's family, according to the respondent /wife owns properties worth several crores and while claiming maintenance at Rs.3,00,000/- per month, the respondent claimed Rs.2,00,000/- as interim maintenance.



20. The said application was strongly opposed by the petitioner/husband, stating that only 28 sovereigns of gold jewels and one silver plate, one silver tumbler and one silver Kamatchi lamp were given by the respondent's family, apart from Rs.25,000/- as Stridhana. The further contention is that the marriage being an inter-caste marriage, the petitioner's family did not demand any dowry, the respondent has harassed the petitioner even during the short period of 40 days when they stayed together, the petitioner's parents alone met the college fees of the respondent. The respondent therefore denied his liability to pay any amount towards maintenance.

21. As regards the additional documents that are now filed and relied on by Mr.G.Mohanakrishnan, as many as 24 documents have been relied on. Some of these documents have been exhibited before the Family Court during the trial of the O.P. proceedings. Therefore, there can be no impediment for this Court to look into such of those documents that are exhibited before the Family Court. At the same time, the documents that are not forming part of the record before the Family Court, but included in the additional typed set of papers cannot be looked into, especially since this Court is only testing the correctness of the order



of the Family Court based on the oral and documentary evidence adduced by the parties.

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22. The object, as already indicated herein above at the very inception, an application under Section 24 of the Hindu Marriage Act is to ensure that the wife, even if she is an earning member, would be entitled to maintenance when she is able to demonstrate that she is unable to maintain or support herself in a manner commensurate with the standard of living she enjoyed in the matrimonial home. There is no evidence on the side of the petitioner to satisfy the Court that the respondent, after enrollment is practicing and that she is earning sufficiently, to maintain herself.

23. With regard to the status of standard of living enjoyed by the respondent in the matrimonial home, it is clear from the evidence adduced by the parties that the petitioner and his family are certainly leading a lavish lifestyle, employing a large number of domestic help including multiple drivers, to drive them around in four cars besides two wheelers. It has also come out in evidence that two vehicles are registered in the name of the petitioner himself. No doubt, none of the immovable



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properties stand in the name of the petitioner. However, the petitioner has not been able to deny the assertions made by the respondent that the petitioner is leading a very comfortable life and that his expenses are all taken care of by his parents. It is also prima facie shown that the petitioner's family owns several immovable properties as well. Therefore, the question that remains to be answered in the revision petition is with regard to what would be the amount that the respondent/wife is entitled to under Section 24, to live a life that she was used to, in the matrimonial home.

24. I find that the Family Court has gone into great detail with regard to the assets and liabilities filed by the parties. I am keeping in mind that the claim of Rs.2,00,000/- has been made. The Family Court has ventured to assess the evidence with regard to the expenditure of Rs.97,600/- claimed towards monthly expenses and came to a categorical finding that the amount was inflated and at best, the monthly expenses would be approximately Rs.25,600/- alone. The Family Court has also taken note of the fact that the respondent/wife was initially employed with Polimer TV and later with World Bank and in 2017, she was earning about Rs.32,000/- per month, that is at the time of the marriage. The Family Court came to a finding that the petitioner being an Advocate is



qualified and capable of maintaining herself as well. However, while fixing the quantum without any justifiable reasons or discussion, the Family Court has straight away proceeded to fix an interim maintenance of Rs.50,000/- payable from the date of the application, i.e. 01.04.2021 and a sum of Rs.1,50,000/- as litigation expenses.

25. Mr.Marudhachalamurthy, learned counsel for the petitioner, has seriously challenged the findings of the Family Court that the petitioner can take the assistance of his parents to pay the interim maintenance amount and that the petitioner cannot shrug off his responsibility and duty to maintain his wife. I do not find any illegality in the said findings of the Family Court per se. Even according to the petitioner, he has been taken care of only by his parents. It has come out in evidence that the averments regarding ownership of several properties, movable and immovable, factum of employment of large number of domestic help is all admitted. There are two vehicles standing in the name of the petitioner himself and the petitioner is a qualified Advocate as well. In such circumstances, I do not see any infirmity in the finding that the petitioner can fall back on his parents to meet his liability to pay the interim maintenance amount. In fact, the Delhi High Court in *Criminal Revision*



Petition No. 51 of 2025 (referred herein supra) in very similar circumstances, took note of the fact that the petitioner/husband belongs to a financially affluent business family and continued to receive substantial financial assistance and support from his parents and the Court can certainly take these factors into consideration.

26. The object of awarding interim maintenance under Section 24 is to ensure that the petitioner is not forced to downgrade her standard of living which she enjoyed in the matrimonial home. No doubt, the maintenance, while being quantified cannot be determined with any precision or mathematical accuracy. The quantum will have to necessarily depend on various factors, especially the oral and documentary evidence adduced during the enquiry. Keeping this in mind and having found that the Family Court has discussed the evidence adduced by the parties in a right perspective and having come to a conclusion that a sum of Rs.25,600/- would be the amount that would be required to be expended by the respondent/wife to maintain herself, the Family Court clearly fell in error in virtually doubling the amount, without substantiating the conclusion and awarding Rs.50,000/- as interim maintenance. Independently, I have also gone through the evidence adduced by the



parties, the various relevant admissible documents and also the final order passed in O.P. No. 4812 of 2019, for dissolution of marriage.

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27. In the light of the above, I do not find any perversity in the assessment of the evidence by the Family Court in arriving at the personal monthly expenses to be Rs.25,600/- per month.

28. Insofar as the application for return of articles, it is the specific case of the petitioner that the respondent has taken back all her articles including the jewellery items. The specific case of the petitioner is that CCTV cameras have been fixed in the house and they would reveal that the petitioner had taken back all her articles while leaving the matrimonial home. However, at trial/during enquiry, no CCTV footage was filed or exhibited to substantiate the said claim. There is also no specific denial of the list of articles that have been appended to the Application. In the light of the above, having taken a definite stand that the CCTV footage would have recorded the fact that the respondent/wife has taken back all her articles has not been proved by adducing satisfactory and acceptable evidence, I do not find any error in the findings of the Family Court drawing adverse inference against the



CRP.Nos.5996 & 5998 of 2025

petitioner. In the light of the above, the order in IA. No. 2 of 2021 does not call for any inference, CRP. No.5998 of 2025 is liable to be dismissed.

29. In fine, CRP. No.5996 of 2025 is **partly allowed**, fixing the interim maintenance at Rs.25,000/- per month, which shall be payable from the date of filing of the maintenance application. The arrears shall be paid within a period of four (4) weeks from the date of receipt of the copy of this order. CRP. No.5998 of 2025 is dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

30.01.2026

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Neutral Citation Case : Yes
Internet: Yes
Index : Yes

To:
The V Additional Principal Judge,
Family Court, Chennai.



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CRP.Nos.5996 & 5998 of 2025

P.B.BALAJI, J.,

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Pre-delivery order in
CRP. Nos.5996 & 5998 of 2025
and
CMP. Nos.29698 & 29701 of 2025

30.01.2026