

PREETHI Vs Muruganandam

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Court : Chennai

Decided On : Aug-29-2025

Judge : Honourable Mr.Justice P.B. Balaji

Appeal No. : CRP/1151/2025

Appellant : Preethi

Respondent : Muruganandam

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI and CMP.No.6748 of 2025 Preethi ...Petitioner Vs. Muruganandam ...Respondent Prayer :- Civil Revision Petition is filed under Article 227 of the

Constitution of India, praying to enhance the interim maintenance order

passed by the IVth Additional Family Court, Chennai in I.A.No.1 of 2024 in O.P.No.1161 of 2024 dated 20.02.2025. For Petitioner : Mr.V.Raghavachari, SC

for M/s.L.Karthiga For Respondent : M/s.R.Sumithra Chakkaravarthi

ORDER

Heard the learned senior counsel for the petitioner and the learned counsel for the respondent.

2. The petitioner / wife, aggrieved by the order of the IV

Additional Family Court, Chennai in I.A.No.1 of 2024, has come up by way of this revision petition. The said I.A., was filed under Section 144 (2) of the BNSS, 2023, for interim maintenance for the minor child. The Family Court has ordered a sum of Rs.15,000/- per month to be paid by the father. Apart from the same, the Court has also directed the father to take care of the educational expenses of the minor child.

3. Mr.V.Raghavachari, learned Senior Counsel took me through

the impugned order, where the Family Court has found that the respondent / husband has not even produced his salary certificate. Only on the basis of an admission made by him, the Family Court has come to a conclusion to award Rs.15,000/-. He would state that the said averment is a self-serving statement regarding the salary of the respondent / husband, and the Family

Court should not have given weightage to the same. A portion of the order

refers to the bank statement of the respondent / husband, where the court found that substantial amounts have been credited on various dates into the said account. He would also further states that the petitioner has specifically

taken the plea that the child was suffering from frequent fits and that medical expenses are being incurred on a regular basis. However, the

Family Court has not factored this ground at all in the impugned order. He therefore prays for the enhancement of the impugned award as prayed for by the petitioner, viz., Rs.25,000/- per month.

4. The learned counsel for the respondent states that the petitioner

had offered to pay Rs.5,000/- on his own volition and that he is also bearing the entire educational expenses, which come to about Rs.3,50,000/- per year. The respondent / husband undertakes to take care of the educational expenses in the future as well. Therefore, the learned counsel for the respondent states that there is no necessity to interfere with the order of the Family Court awarding a sum of Rs.15,000/- towards maintenance of the minor child.

5. I have carefully considered the submission made on either sides.

6. The petitioner did not seek any interim maintenance for herself. Admittedly, the petitioner is employed and she is earning about Rs.70,000/- per month. The application was filed only for interim maintenance for her

son, aged about 7 years. The claim was Rs.25,000/- per month. The case of the petitioner was that the respondent / husband was earning not less than Rs.3,00,000/- per month. However, the said claim was denied by the respondent / husband, stating that he is earning about Rs.1,00,000/- by way of salary. The respondent / husband has not produced his salary certificate to disclose his actual income. Though the Family Court has noted the same, it has not drawn an adverse inference in this regard. Unfortunately, the Family Court has held that the petitioner / wife must substantiate, by documentary evidence, what income or salary the respondent / husband is earning.

7. Further, as rightly contended by the learned senior counsel for

the petitioner, even in the application for interim maintenance, it was specifically pleaded that the child suffers from a physical disability and that regular medical expenses are being incurred. The Family Court has not considered the said contention put forth by the petitioner / wife regarding medical expenses. However, the Family Court has rightly found that the respondent / husband has sufficient means to pay maintenance to the child.

8. Taking note of the voluntary offer made by the respondent /

husband to pay Rs.5,000/- and finding that it would not be sufficient to maintain the minor child, the Family Court has ordered a sum of Rs.15,000/-, considering the income even assuming it is only Rs.1,00,000/- without admitting it, as contended by the respondent / husband. A sum of Rs.10,000/- is insufficient to maintain the minor child aged 7 years.

9. In light of the above, I am inclined to allow the revision petition

and direct the respondent / husband to pay interim maintenance for a sum of Rs.25,000/- per month from the date of this order. The arrears of maintenance at the rate of Rs.15,000/- alone, up to this date shall be paid within a period of four weeks. The educational expenses of the minor child shall continue to be taken care of by the respondent / husband in future as well. The O.P., which is pending from the year 2024, shall be disposed of on or before 30.04.2026.

10. This Civil Revision Petition is allowed. No costs.

Consequently, connected Civil Miscellaneous Petition is closed. 29.08.2025 jas To The IVth Additional Family Court, Chennai. P.B.BALAJI.J, jas and CMP.No.6748 of 2025 29.08.2025