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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 16.10.2025

Order pronounced on : 25.10.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.4112 of 2024

N.Santosh Kumar

... Petitioner

Vs.

S.Priyadarshini

... Respondent

Prayer: Civil Revision Petition filed under Section 115 of CPC, to set aside the order in I.A.No.01 of 2022 in H.M.O.P.No.298 of 2021 dated 15.06.2024 on the file of the Sub-Judge, Alandur.

For Petitioner : Mr.A.P.Loganathan

For Respondent : Mr.M.Devaraj

ORDER

The husband, who suffered an order for interim maintenance in I.A.No.1 of 2022 is the revision petitioner.



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2.I have heard Mr.A.P.Loganathan, learned counsel for the petitioner and Mr.M.Devaraj, learned counsel for the respondent.

3.Mr.A.P.Loganathan, learned counsel for the petitioner/husband would submit that the respondent/wife had suppressed her gainful employment and approached the Court, as if the petitioner is getting an income of only Rs.8,000/- and that it is highly insufficient for maintaining herself and also the minor son. In this regard, he would invite my attention to various documents filed in support of the case of the petitioner. More specifically, the learned counsel for the petitioner would emphasise on the pay slip of the respondent for the month of December 2022, which evidences the fact that the respondent has been employed with Cognizant and she has joined the serves of the Company in July 2018 itself and the pay slip for December 2022 reflects that her net salary is Rs.87,876/-. Referring to the said pay slip, the learned counsel for the petitioner states that the respondent/wife has committed perjury and she is not entitled to any maintenance whatsoever. He would therefore pray for the order granting Rs.15,000/- per month as interim maintenance to be set aside.

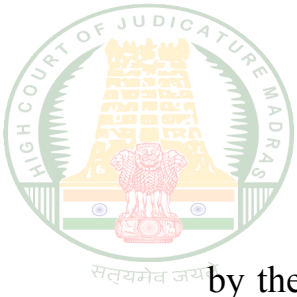


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4.Per contra, Mr.M.Devaraj, learned counsel for the respondent/wife would submit that H.M.O.P.No.298 of 2021 has already been disposed of and the interim maintenance payable by the petitioner is only from 14.03.2022, till the disposal of the main HMOP and though the respondent has not specifically set out in her petition that the maintenance is for the minor son, a reading of the affidavit would sufficiently disclose that the maintenance that was sought for by the respondent was only for the minor son and not for herself. He would therefore state that there is no infirmity in the order of the Family Court.

5.I have carefully considered the submissions advanced by the learned counsel on either side. I have also gone through the order of the Family Court, awarding a sum of Rs.15,000/- payable from 14.03.2022, till disposal of HMOP.

6.The relationship between the parties is not in dispute. The respondent/wife filed an application in I.A.No.1 of 2022 in the HMOP filed



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by the petitioner/husband for restitution of conjugal rights, seeking 1/3rd of salary drawn by the petitioner towards interim maintenance pending disposal of the HMOP.

7.I find from the impugned order that the Family Court has taken note of the fact that though the petitioner has averred in the affidavit that he earns only Rs.8,000/-, the said position has changed and that the Court has taken note of the same. The Court has also taken note of the fact that the petitioner and the respondent are blessed with a son aged five years and that the respondent cannot shift her liability to maintain the minor son. While ordering a sum of Rs.15,000/-, the Court below has focused on the fact that the sum of Rs.15,000/- would be necessary to meet the day to day escalation of costs and also to maintain a school going child of tender age.

8.It is the specific argument of the learned counsel for the petitioner that the petitioner has been paying Rs.5,000/-, even pending the proceedings. The respondent, as the mother of the minor son, is equally liable to contribute for the maintenance and upkeep of the minor son.



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9.As rightly pointed out by the learned counsel for the petitioner, the respondent has suppressed her true income in her affidavit. It is clear from the pay slip for December 2022 that the respondent is gainfully employed and earning a gross salary of more than Rs.1 lakh per month. In the affidavit filed in support of the application for interim maintenance, the averments are vague and do not even indicate whether the respondent wants maintenance for herself also or only for her minor child.

10.Be that as it may, considering the fact that the respondent, even on the date of filing of the application for interim maintenance, was employed with Cognizant and earning a gross income of more than Rs.1 lakh, I am inclined to dispose of the revision in the manner following:

(i) The order of the Sub-Court, Alandur is modified and the interim maintenance is fixed at Rs.10,000/-. However, the respondent is entitled to seek adjustment of Rs.5,000/- per month, subject to proof of payment of Rs.5,000/- for the relevant period, that is, from 14.03.2022, till disposal of the HMOP.298 of 2021.



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(ii) The balance amount, after adjustment of the amounts paid for the maintenance of the child, shall be settled by the petitioner/husband, within a period of four weeks from the date of receipt of a copy of this order.

(iii) There shall be no order as to costs.

25.10.2025

Neutral Citation: Yes/No
Speaking Order/Non-speaking Order
Index : Yes / No
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To

The Sub-Judge, Alandur.



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P.B. BALAJI,J.

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Pre-delivery order made in

CRP.No.4112 of 2024

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