

THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 30.07.2025

Order pronounced on : 22.08.2025

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THE HON'BLE MR. JUSTICE P.B.BALAJI

CRP.No.2590 of 2025
& CMP.No.14720 of 2025

~~XXXXXXXXXX~~

..Petitioner

Vs.

~~XXXXXXXXXX~~

..Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the judgment and decree passed by the IV Additional Principal Family Court, Chennai dated 27.01.2023 in I.A.No.1 of 2021 in HMOP.No.3564 of 2019.

For Petitioner : Mr.T.Gowthaman
Senior Counsel
for Mrs.S.Karpagapriya

For Respondent : Mr.J.James

ORDER

The husband, who approached the Court seeking dissolution of the marriage in H.M.O.P.No.3564 of 2019 before the IV Additional Principal Family Court, Chennai, aggrieved by the common order dated 27.01.2023 in I.A.Nos.1 & 2 of 2021, is before this Court by way of the above revision.



2.The respondent/wife filed I.A.No.1 of 2021, seeking interim maintenance for herself and her son, A.~~XXXXXX~~ under Section 24 of the Hindu Marriage Act and I.A.No.2 of 2021 was filed for a direction to the petitioner/husband to pay the school fees, including NEET coaching fee in respect of the Master.A.~~XXXXXX~~, son of the petitioner and the respondent. Admittedly, insofar as I.A.No.2 of 2021, the petitioner/husband has subsequently come forward to meet the educational expenses and the order in I.A.No.2 of 2021 has not been challenged. The present revision is only challenging the order in I.A.No.1 of 2021, in and by which, the Family Court has directed payment of interim maintenance of Rs.30,000/- per month to the respondent/wife as well as the minor A.~~XXXXXX~~, from the date of filing of interlocutory applications seeking maintenance, till disposal of the HMOP.

3.I have heard Mr.T.Gowthaman, learned Senior Counsel for Mrs.S.Karpagapriya, learned counsel for the petitioner and Mr.J.James, learned counsel for the respondent.

4.Mr.T.Gowthaman, learned Senior Counsel appearing for the petitioner/husband would submit that the respondent is financially not only self



sufficient, but also affluent and there is no necessity for the petitioner to pay any interim maintenance to his wife. However, insofar as the maintenance to his son, the petitioner does not challenge the award of maintenance and the learned Senior Counsel states that it is being paid without any default. According to the learned Senior Counsel, the challenge is only in respect of the award of interim maintenance to the wife. He would further submit that the Family Court has passed a mechanical order, without appreciating the pleadings in the maintenance application and the evidence adduced by the parties. He would further state that the very object of Section 24 of the Hindu Marriage Act is only to ensure that the respondent is able to sustain herself for a basic and decent living, including meeting of the litigation expenses that have been fastened upon her by the husband.

5.The learned Senior Counsel would also rely on the dividends received by the respondent as a Director of M/s.Roentgen Scan World Private Limited and also her conduct in approaching the National Company Law Tribunal (NCLT), seeking for a restraint order to not release dividends to her. In this connection, the learned Senior Counsel would state that the conduct of the respondent/wife is clearly malafide and only in order to make the claim for maintenance against the petitioner, the respondent has not only suppressed the



huge income received by her as dividends from the Company, but also her approaching the NCLT and seeking an order for not releasing the amounts payable to her, which amounts to a self restraint order only in order to entitle her to claim maintenance from the petitioner/husband.

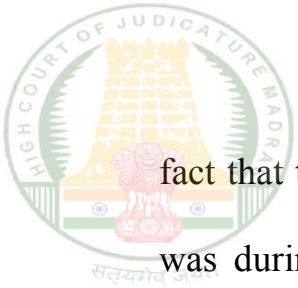
6.The learned Senior Counsel for the petitioner would also state that the respondent has acquired valuable properties worth several crores and therefore, the respondent cannot claim to be starving and there was absolutely no necessity to call upon the petitioner to pay interim maintenance, when the petitioner has been able to demonstrate that the respondent is very affluent and self sufficient. He would also point fingers at the conduct of the respondent in settling the property standing in her favour, on being put on notice by the petitioner, that she has acquired valuable properties in her name, pending the proceedings. The learned Senior Counsel would therefore seek for the interim maintenance award passed against the petitioner/husband to be set aside.

7.Per contra, Mr.J.James, learned counsel for the respondent/wife would state that the dividends that have been received by the respondent have all gone into meeting the educational expenses of the son of the petitioner and the respondent and therefore, the arguments advanced by the learned Senior



Counsel for the petitioner do not deserve any merit. The learned counsel for the respondent would further state that there is no regular income from the Scan Centre accruing to the respondent and even in the assets and liabilities filed by the respondent/wife, she has disclosed her ownership of 32 cents of land in Thiruporur and there is no concealment of any material fact. She would further state her income tax returns also do not disclose any income from the Scan Centre between 2020 and 2022.

8.Insofar as the settlement of valuable property at No.50, Khanabagh Street, the learned counsel for the respondent would state that the property originally belonged to her mother and though it was settled in her name, the respondent has subsequently settled it in her father's name, since the father is the ostensible owner of the property, having purchased the same in the mother's name and therefore, would contend that the settlement of the said property is of no relevance to the facts of the present case. The learned counsel for the respondent would also state that the petitioner/husband has made a false statement, as if he has not invested any monies in the Scan Centre and in this regard, the learned counsel for the respondent would state that the respondent has produced documentary evidence to substantiate the petitioner's investment in the said Company, by way of bank statement, which clearly evidences the



fact that the petitioner has invested a sum of Rs.48 lakhs in April 2019, which was during the pendency of the divorce proceedings initiated by him, apart from further investment of Rs.20 lakhs in Scan Point, a different entity altogether.

9.The learned counsel for the respondent would therefore state that when the petitioner is receiving a sum of Rs.3,80,000/- as regular salary from Scan World and also monthly income of Rs.1,62,602/- as salary from the Government, there is absolutely no infirmity in the order passed by the Family Court directing payment of Rs.30,000/- to the respondent. The learned counsel for the respondent would therefore pray for dismissal of the revision.

10.I have carefully considered the submissions advanced by the learned Senior Counsel for the petitioner and the learned counsel for the respondent. I have also gone through the decisions that have been relied on by the learned counsel for the respondent in *Shailja and Another Vs. Kobbanna*, reported in (2018) 12 SCC 199 and *Rajnish Vs. Neha and Another*, reported in (2021) 2 SCC 324, in support of his contention.

11.The Family Court, as against the claim of the interim maintenance sought for by the respondent/wife, has directed the petitioner to pay a sum of



Rs.30,000/- each to the wife and the son. The petitioner has not challenged the award of maintenance to his son. In fact, the order in I.A.No.2 of 2021, directing the petitioner to meet NEET coaching fees to the tune of approximately Rs.2.77 lakhs is also not challenged and in fact, it is brought to may notice that the same has already been paid.

12.It is also the contention of the petitioner that the petitioner has no objection for meeting the reasonable expenses that are required to meet the expenses of his son and only in such circumstances, the order in I.A.No.2 of 2021 was not challenged and award of maintenance to the tune of Rs.30,000/- to the son is also not being challenged. It is only the award of maintenance to the tune of Rs.30,000/- which is under challenge.

13.Section 24 of the Hindu Marriage Act reads thus:

“Section 24. Maintenance pendente lite and expenses of proceedings.

Where in any proceeding under this Act it appears to the court that either the wife or the husband, as the case may be, has no independent income sufficient for her or his support and the necessary expenses of the proceeding, it may, on the application of the wife or the husband, order the respondent to pay the petitioner the expenses of the proceeding, and monthly during the proceeding such sum as, having regard to the petitioners own income and the income of the respondent, it may seem to the court to be reasonable.



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[Provided that the application for the payment of the expenses of the proceeding and such monthly sum during the proceeding, shall, as far as possible, be disposed of within sixty days from the date of service of notice on the wife or the husband, as the case may be]”

14.It is therefore to be seen whether the petitioner is liable to pay interim maintenance under Section 24 of the Hindu Marriage Act to the respondent. The object of awarding interim maintenance is only to ensure that the wife has sufficient income to enable her to maintain herself and the said sustenance is not mere survival, but should be on the same lines of a comfortable lifestyle that she would have had in the matrimonial home. In the present case, it is not in dispute that the respondent is a Director of a Company by name, M/s.Roentgen Scan World Private Limited. The respondent is also a Doctor, who has been receiving regular dividends as early as February 2016. In fact, the statement dated 30.06.2025 issued by the Scan World evidences the fact that for the financial years 2021-2022, the respondent has been paid a net amount of Rs.15,18,750/-, for the financial year 2022-23 a sum of Rs.16,20,000/- and for the financial year 2023 – 2024, a sum of Rs.16,20,000/-. All these payments are by way of RTGS transactions. In fact, on instructions, the learned counsel for the respondent also confirms that these amounts have been received by the respondent. However, it is the contention of the respondent that all those amounts have gone into for meeting the educational expenses of the son of the



petitioner and the respondent and therefore, the respondent/wife is entitled to seek interim maintenance and her income by way of dividends cannot come in the way of her seeking interim maintenance.

15.It is however contended by the learned Senior Counsel for the petitioner that without even consulting the petitioner, the son has been admitted into an institution where the educational fees and expenses are sky high and for the arbitrary decisions of the respondent, the petitioner cannot be mulcted with liability. It is also seen that the respondent has properties standing in her name and even one of the properties that has been settled in her favour by her mother has been re-transferred to her father, pending the proceedings. The explanation offered by the respondent is that the father was the ostensible owner having brought to the property in the name of the mother and therefore, the respondent has settled the property in favour her father, does not appear to be bonafide. If really, the father was the ostensible owner having put in the entire sale consideration, while purchasing the property in the name of his wife, nothing prevented the mother to have straight away settled the property in favour of her husband, namely the father of the respondent. However, pending the proceedings, the settlement executed by the respondent in favour of her father clearly appears to be only in order to get over the objections of the petitioner



that the respondent is affluent and owns valuable immovable properties. Even otherwise, the petitioner is having landed property in Thiruporur in the outskirts of city of Chennai where also the property prices have risen considerably.

16.Further, the fact that the respondent has received substantial monies for the last three financial years is also not in dispute. The object of Section 24 is only for providing interim maintenance to the wife to enable her to get sufficient income to live a comfortable lifestyle. I do not see that the respondent is not possessed of such sufficient income already, warranting further monies from the petitioner by way of interim maintenance. In all fairness, the petitioner has stated that he is willing to meet the educational expenses of his son and has also complied with the order in I.A.No.2 of 2021. Even with regard to the award of Rs.30,000/- maintenance to the son, the petitioner has accepted the said order and has not even challenged the same. In the light of the above, I am not able to sustain the order of the Family Court awarding interim maintenance to the respondent/wife, which is wholly unnecessary in the light of the substantial income that has accrued to the respondent by way of dividends in Scan World and the fact that the respondent also owns valuable immovable properties.



17. In *Shailja's case*, the Hon'ble Supreme Court held that merely because the wife is capable of earning is not sufficient reason to reduce the maintenance awarded by the Family Court.

18. In *Rajnesh's case*, the Hon'ble Supreme Court held that there is no straight jacket formula for fixing maintenance and the Court has to waive the status of parties, reasonable needs of the wife and dependent children, their education qualifications, any independent source of income accruing to the wife and whether such income would be sufficient to enable the wife to maintain the same standard of living as she was accustomed to in the matrimonial home, whether the wife was employed before and after marriage, etc.

19. Even applying the ratio laid down in *Rajnesh's case*, I do not find that the respondent requires any further amounts by way of interim maintenance to lead a comfortable lifestyle. In view of the aforesaid discussions regarding her holding of immovable properties as well as the substantial income by way of substantial dividends of the Company. The Family Court has already awarded maintenance, considering all the expenses that have been set out by the respondent and fixed the maintenance amount of Rs.30,000/- in support of the minor son and the same has not been challenged by the wife, seeking



enhancement as well. The petitioner has also accepted the said order and has been paying a sum of Rs.30,000/- to the son, apart from also meeting the amount of Rs.2,77,000/-. The Family Court, after taking into account the assets and liabilities filed by both the parties, has only focused its attention on the requirement of the son, A. ~~Aminuddin~~ and without any reasons or even discussion with regard to the specific averments regarding the ownership of immovable properties and income accruing from the Company by way of dividends, has straight away proceeded to award a sum of Rs.30,000/- to the wife as well. In view of the above, I am inclined to interfere with the order passed by the Family Court.

20. In fine, the Civil Revision Petition is partly allowed and the order of the Family Court dated 27.01.2023 in I.A.No.1 of 2021 is set aside insofar as the respondent/wife alone. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

22.08.2025

Speaking/Non-speaking order
Index : Yes/No
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To

The IV Additional Principal Family Court, Chennai.

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P.B.BALAJI.J.

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Pre-delivery order made in
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