

**IN THE COURT OF SUBORDINATE JUDGE,  
MATHURANTAKAM.**

**Present: Mr. T. GANESH, B.A.,B.L.,  
Subordinate Judge,  
Mathurantakam**

**Monday, this 09<sup>th</sup> day of June, 2025.**

**IA.No. 1/2024  
in  
HMOP. No. 98/2022**

**(CNR.No.TNCG13 -000398-2022)**

1. Loganayaki
2. Minor. Priyadarshika

...Petitioners/Respondents

..Vs..

Elumalai

.... Respondent/Petitioner

This petition coming up for final hearing on 02.06.2025 in the presence of M/s.M.Rajakantha and K.R.Kirthi Bhaarathi, Counsels for the Petitioners/Respondents and M/s. S.Senthilkumaran and K.Priya Ilavarasi, Counsels for the Respondent/Petitioner and after hearing the arguments on petitioner's sides, upon perusing the case records and having stood over for the consideration of this court till date, this court delivered the following.

**ORDER**

This petition is filed by the petitioner against the respondent u/s. 24 of Hindu Marriage Act directing the respondent to pay a sum of Rs.25,000/- per month for the 2<sup>nd</sup> petitioner herein towards maintenance and to pay a sum of Rs.25,000/- per month for the 1<sup>st</sup> petitioner to lead the marital life and to pay sum of Rs. 10,000/- towards litigation expenses incurred by the petitioner.

## **2. Averments of the petitioner:**

Petitioner is the respondent in the main petition. Marriage between the petitioner and the respondent was solemnized on 22.11.2009 at Jayam Mahal, Koovathur, Cheyyur Taluk, Chengalpet District, according to Hindu rites and customs, in the presence of relatives and friends. After the marriage, both resided at the respondent's matrimonial home.

At the time of marriage, the respondent, along with his parents and sisters, made a joint demand for 15 sovereigns of gold jewellery, household utensils worth Rs. 3,00,000/-, and a bike. These demands were met by the petitioner's parents. The petitioner fulfilled all her household responsibilities but was continuously harassed by the respondent and his family members for additional dowry, and was treated as a source of money rather than a family member. During her fifth month of pregnancy, the respondent and his parents failed to provide her with proper nutrition and care, and instead continued to press for further jewels and monetary contributions. Despite intervention by the petitioner's parents, such demands allegedly persisted.

The petitioner has been living separately from the respondent since 25.06.2024, and that she, along with her daughter, has been residing at her parental home. The petitioner's father, a retired Central Government employee, had supported the family through his pension until his death on 28.12.2022. Following his demise, the family pension is now received by the petitioner's mother at a reduced rate, who is supporting both the petitioner and her daughter. The 2<sup>nd</sup> petitioner is presently studying in Class 10 at Velammal Vidhyashram (CBSE), Maraimalai Nagar. Despite repeated efforts and requests made to the respondent to reconcile for the sake of the child, the respondent has not extended any support or expressed willingness to resume cohabitation. The respondent is running a welding shop in Anaikattu, Kancheepuram District, and is also involved in agricultural work and money lending, from which he earns substantial income. The petitioner has no source of income and

is unable to meet even her basic needs, as well as those of her daughter, without borrowing from relatives and friends. The petitioner is unable to meet daily expenses and her daughter's educational needs, and hence seeks a monthly interim maintenance for herself and for the 2<sup>nd</sup> petitioner.

Hence, the petitioner files this application to direct the respondent to pay a sum of Rs.25,000/- per month each for them towards maintenance and to pay sum of Rs. 10,000/- towards litigation expenses incurred by the petitioner.

### **3. Counter of respondent in brief:**

The respondent denies the allegations set out in the affidavit. Neither the respondent nor his parents ever demanded gold jewels, dowry, or a two-wheeler from the 1<sup>st</sup> petitioner. The respondent was not even aware of how many sovereigns of jewels the 1<sup>st</sup> petitioner brought. There is no nexus between the said allegations and the petition. Jewels brought by the 1<sup>st</sup> petitioner were taken away by her.

Within a month from the date of marriage the petitioner often quarrel with the respondent and left to her parents home. She also preferred a complaint before police station and demanded for separate conjugal home. Since the respondent had no one else to take care of his aged parents, he refused. Thereafter the 1<sup>st</sup> petitioner left to her parents home. Despite several efforts by the respondent to bring her back, she refused to live with him. So, the respondent also went abroad (Saudi Arabia) for employment.

In these circumstances also the 1<sup>st</sup> petitioner called the respondent through mobile and threatened that if he didn't return to India, a dowry harassment case would be filed against him. On 06.06.2011, the 1<sup>st</sup> petitioner preferred a complaint before Guduvanchery police station. In response, the respondent's parents were summoned and investigated. To avoid police harassment and in order to cooperate with the investigation, the respondent left his job in Saudi Arabia and returned to India, incurring great mental stress and financial loss.

On 28.12.2011, the respondent issued a legal notice through his counsel, requesting the 1<sup>st</sup>petitioner to restitute the matrimonial home. But the 1<sup>st</sup>petitioner didn't comply. So, the respondent filed an application for dissolution of marriage in HMOP 21/2012 on the ground of cruelty before this court. 1<sup>st</sup> petitioner appeared and she promised to resume marital life. Based on her assurance, the said HMOP petition was withdrawn on 22.04.2013.

On 22.07.2017 at around 9 PM, when the respondent and his mother were sleeping on the porch of their house, the 1<sup>st</sup>petitioner's brother Parthiban, Dhanasekaran, and some henchmen came and kidnapped the respondent to Thenmelpakkam through ECR road. There they attacked the respondent with weapons. Respondent escaped and sought the help from local villagers near a temple in Thenmelpakkam. He, on next day preferred a police complaint before the Anaikkattu Police Station.

Meanwhile the father of the 1<sup>st</sup>petitioner passed away in 2020, which was not informed to the respondent. From 2009 to 2021, the 1<sup>st</sup>petitioner lived with the respondent for only about 60 days. The allegations that the petitioner has been separated only from 25.06.2024 is entirely fabricated for the purpose of this petition.

1<sup>st</sup> petitioner admitted that she is running the family out of the family income derived by her mother and that she educate the child through Velammal Vidyashram CBSE school, Maraimalai Nagar. This proves that the 1<sup>st</sup>petitioner is capable of maintaining herself and her child. Meanwhile, the respondent having lost his abroad job, is now doing daily wage labour after shutting down his small welding shop. He is taking care of himself and his mother under great financial crisis.

Though the respondent withdrew the petition for divorce on the assurance of reconciliation, the 1<sup>st</sup> petitioner never returned. Instead, she filed complaints and harassed the respondent. When the respondent visited her residence in Kayarambedu,

her mother insulted him by asking him to speak from outside and refused to let him inside.

Petitioners falsely claim that the respondent runs a welding shop in Anaikkattu village, engages in agriculture, and lends money on interest, thus earning sufficient income to maintain the petitioners. Infact the respondent ran a small welding shop in a hut and now he closed. He now going for daily labour. He owns no agricultural land. His father owned one acre of dry land, which is now inherited jointly by his mother and three sisters. Thus, the respondent/petitioner has only a 0.25-cent share in a rain-fed land.

Respondent is ready to return the items listed by the petitioners. 1<sup>st</sup> petitioner completed his B.Sc. in Computer Science and is now employed in a private company, earning ₹25,000 per month. Even in their own affidavit, the petitioners have admitted that they are living in their own house and surviving on family pension income. Hence, demanding ₹25,000 monthly maintenance for the 1<sup>st</sup>petitioner/respondent, ₹25,000 for the child, ₹10,000 for legal expenses, and ₹75,000 for annual school fees for 2024–2025 is excessive, unlawful, and unjustified.

4. No oral and documentary evidence adduced by both sides.

5. Heard both sides and perused the records.

**6. Point:**

***“ Whether this application can be allowed or not?”***

The petitioner has approached this Court under Section 24 of the Hindu Marriage Act, seeking interim maintenance for herself and her minor daughter, along with litigation expenses. It is not in dispute that the marriage between the petitioner and the respondent was solemnized on 22.11.2009 and that a minor child was born from the said wedlock, who is currently studying in Class 10 at a reputed CBSE school. The petitioner claims to have been deserted by the respondent since 25.06.2024 and has asserted that she is unemployed and solely dependent on her aged mother, who receives a reduced pension, following the demise of the petitioner’s

father. The petitioner has alleged cruelty and consistent harassment by the respondent and his family for dowry, and has further submitted that the respondent is engaged in multiple occupations including a welding business, agricultural activity, and money lending business and is thus capable of providing maintenance.

On the other hand, the respondent has denied the allegations of dowry demands and cruelty, and has countered that it was the petitioner who voluntarily left the matrimonial home shortly after marriage and refused all efforts for reconciliation. The respondent further asserts that he has closed his welding shop and is currently engaged only in daily wage labor, owning no significant immovable assets or agricultural land, except for a meager undivided share in his father's dry land. He also claims that the petitioner is gainfully employed, earning Rs. 25,000 per month, and is capable of supporting herself and the child. The respondent has also offered to return certain movable properties allegedly brought by the petitioner at the time of marriage.

It is settled law that while adjudicating a petition under Section 24 of the Hindu Marriage Act, the Court must consider not only the needs and circumstances of the applicant and the standard of living enjoyed during the marriage, but also the financial capacity of the respondent to pay such maintenance. Mere assertion by the respondent that he is doing daily wage work and has no income, without substantial documentary proof, cannot absolve him of his duty to maintain his wife and child, particularly when the child is undergoing education in a reputed institution, and there is no material to show that the educational expenses are fully taken care of by any third party.

At the same time, the prayer for Rs. 25,000 per month each for the petitioner and the child appears on the higher side, especially in the absence of clear documentary proof of the respondent's exact income. The Court must balance the needs of the petitioners with the paying capacity of the respondent. The child's education and well-being are of paramount importance, and interim maintenance

must ensure her continuity in schooling and basic needs. Considering the totality of circumstances, including the child's educational requirements, the absence of independent income for the petitioner as alleged, the counter-allegations made by the respondent, and the need for litigation expenses, this Court is of the view that a reasonable interim maintenance must be granted to ensure sustenance pending final adjudication. Considering that there is no proof attached by the petitioners towards the income of the respondent, that the 1<sup>st</sup> petitioner was able to get admission of her child in a reputed institution of CBSE school and also that the 1<sup>st</sup> petitioner has completed her B.Sc Computer science degree, this court concludes that the petitioners in toto entitled to Rs. 10,000.00 per month towards maintenance including all expenses.

**7. Result:**

In fine this petition is partly allowed with costs, directing the respondent to pay a sum of Rs.10,000.00( Rupees Ten Thousand) only, as monthly maintenance including all expenses to the petitioners from the date of main petition.

Dictated by me to the Steno-Typist, typed by her in the computer directly, corrected and pronounced by me in the open court, this the 09<sup>th</sup> day of June, 2025.

Subordinate Judge,  
Mathurantakam.

**Both side's evidence and Exhibits :**

Nil

Subordinate Judge,  
Mathurantakam.

**Draft/Fair Order**  
**I.A. 1/2024**  
**in**  
**HMOP. No. 98/2022**  
**Dated: 09.06.2025**  
**Sub Judge,**  
**Madhurantakam.**