

IN THE COURT OF SUBORDINATE JUDGE, METTUR
Present: Thiru. R.Saravana Babu, B.A., L.L.B.,
Subordinate Judge, Mettur
Monday, the 08th day of September 2025
I.A.No. 1 / 2024
in
HMOP. No. 25/2024

Sathiya

... Petitioner / Respondent

/ Versus /

Mohan

... Respondents / Petitioner

This application coming up for final hearing on 17.07.2025 before this Court in the presence of Thiru.M.P.Senthil Kumar, Counsel for Petitioner, and Thiru.R.Sivaraman, Advocate for the respondent, upon both side hearing the arguments and perusing the records, having stood over for consideration till this date, this Court delivered the following:

ORDER

The Petitioner has filed this Petition Under Section 24 of Hindu Marriage Act 1955 to interim maintenance.

2. The Brief facts of the petition :

The petitioner is the respondent in the main application. The respondent has filed the petition under section 13 (1)(i), (1) (i-a) of Hindu Marriage Act, for divorce against the petitioner under the ground of cruelty. The petitioner has denied allegations against the petitioner put forth by the respondent. The petitioner further stated that she was unable to maintain her self and she does not have any job at present and she was very poor. He further stated that the respondent has working at crompton greaves limited company and earning a sum of Rs.40,000/- per month. The petitioner has filed an application under section 24 of Hindu Marriage Act for the claim of interim maintenance for a sum of Rs.15,000/- for monthly expenses and also claimed a sum of Rs.10,000/- towards litigation expenses.

3. The Brief facts of the Counter :

The respondent has stated that the petition filed by the petitioner is false, frivolous and not maintainable under the law and on facts. The respondent has denied the facts that the respondent is earning a sum of Rs.40,000/- per month and also denied that he is having

an immovable and movable properties. The respondent further stated that the petitioner is working in private company at chennai and she has earned a sum of Rs.50,000/- per month and she can maintain herself and she does not need any maintenance amount as claimed in the petition. The respondent further stated that the petitioner has voluntarily deserted the respondent without any reason. The respondent further stated that he has quit from his job and he has no job at present and he does not have permanent source of income to pay the petitioner. Hence the respondent has prayed to dismiss the petition with cost.

4. Now the point for consideration is that:

Whether the application filed under section 24 of Hindu Marriage Act is deserves to be allowed or not ?

5. Heard the both sides and documents perused.

6. Point:

(1) The petitioner has filed an application under section 24 of Hindu Marriage Act, for the claim of Rs.15,000/- for monthly maintenance and claimed a sum of Rs.10,000/- towards litigation expenses. The petition further stated that the respondent is working in crompton greaves limited company at coimbatore and he has earned a sum of Rs. 40,000/- per month and the respondent having sufficient means to pay the maintenance to the petitioner. The respondent has denied the above facts and stated that the petitioner is having a job at chennai and she is earning a sum of Rs.50,000/- per month. He does not have any job at present and he further stated that the petitioner has voluntarily deserted the respondent without any cause. Therefore, he prayed to dismiss the petition with cost.

(2) On careful perusal of the records, it is found that the respondent has filed an application under section 13 (1)(i), (1) (i-a), for divorce against the petitioner under the ground of cruelty. The petitioner has stated that the respondent having an income of Rs.40,000/- per month out of his job in crompton greaves company limited at coimbatore. The petitioner has not produced any document to show that the respondent is earning a sum of Rs.40,000/- per month. The respondent also stated that the petitioner is earning a sum of Rs.50,000/- per month. The fact of petitioner earning a sum of Rs.50,000/- per month also not proved by the respondent. The actual income of the petitioner and the respondent have not been proved by both parties.

(3) It is found from the case records, the marriage between the petitioner and the respondent have not been disputed between the parties. The respondent being the husband of the petitioner and also having legal obligation to maintain his wife. The obligation would arise from the very existence of the relationship between the parties. Therefore, the husband cannot wriggle out of his obligation to maintain his wife. It is found that the petitioner has to live in the society for survival with food, shelter, clothes, medicines and others. Considering the nature and circumstance of this case, the respondent is directed to pay the maintenance as given below:-

i) the respondent is directed to pay a sum of Rs.5000/- to the petitioner as a monthly maintenance from the date of filing the petition.

ii) the respondent directed to pay the entire maintenance amount within the period of 60 days from the date of this order.

iii) The respondent further directed to pay a sum of Rs.2500/- to the petitioner as a litigation expenses.

iv) considering the relationship between the parties there shall be no order of cost.

7. Finally, In the result, the petition is allowed. No costs.

Dictated to typist and computerized by her, and corrected and pronounced by me in the open court, this the 08th day of September 2025.

**Subordinate Judge,
Mettur**

Petitioner / Respondent Side Exhibits and Evidence : Nil.

Respondent/Petitioner Side Exhibits and Evidence : Nil.

**Subordinate Judge,
Mettur**