

IN THE COURT OF PRINCIPAL DISTRICT JUDGE AT TIRUVALLUR
PRESENT: Dr. J. JULIET PUSHPA, Ph.D. (Law)
Principal District Judge, Tiruvallur

Wednesday, the 25th day of February, 2026

I.A.2/2023 in IDOP.18/2023
(CNR No.TNTR010003962023)

Lakshmi, W/o Sarathkumar

...Petitioner/ Respondent

/Vs/

M. Sarathkumar, S/o Murugesan

....Respondent / Petitioner

This petition coming on 04.02.2026 before me for final hearing in the presence of M/s R. Dineshkumar, D. Dhanasekar, Learned Counsel for the Petitioner/Respondent and M/s J. Dhanasekar, M. Viswanathan, M. Manikandan, S. Sivakumar, V. Nirmalraj, learned counsel for the respondent/petitioner , upon hearing arguments on both sides, perusing the materials on records and having stood over for consideration till this date, this Court delivered the following :-

ORDER

This Petition is filed by the Petitioners Under section 36 of Indian Divorce Act 1869 to direct the respondent to pay a sum of Rs.10,000/- per month to the petitioner and Rs.5000/- each to her two children towards monthly interim maintenance and Rs.1000/- towards travelling expenses and Rs.15,000/- towards litigation expenses.

2. The averments in the petition in brief :

According to the petitioner, she is the respondent in the main Original petition filed by the respondent seeking divorce. The marriage held between the

petitioner and respondent on 10.11.2014 at CSI St Michaels Church, Padi, Chennai-50 Out of the above said wedlock they had two children, S. Analika, 6 years and Ebenesh aged one year. Both have lived happily for 8 years, and thereafter, for giving birth to the second child on 18.01.2022, he gave a birth male child. After birth of the 2nd child, when the respondent tried to withdraw the amount paid by the Government for the birth of the child, and since the petitioner questioned the same, the respondent did not come to see the petitioner and the children. When the petitioner tried to contact the respondent, the respondent severed the contact . Hence, the petitioner filed complaint in All Women Police station, Ambattur and CSR No.419/2022 was issued, wherein the respondent appeared and undertook to take the petitioner and the children to matrimonial house within 14 days, but he failed to do so, instead he filed the original petition seeking divorce. The respondent has not provided any financial assistance for the maintenance of either the petitioner and her children. The respondent is working as a Gym Trainer and earning monthly salary of Rs.40,000/- and he is having capacity to pay the monthly maintenance of Rs.20,000/- to the petitioner and to her both children. The respondent has moral and legal obligation to maintain the petitioner and his children. Further, the respondent is also having custody the 5 sovereign gold jewels and Rs.85,000/- as dowry and marriage *Sridhana* properties towards monthly maintenance. The petitioner is unable to maintain herself and the children as she is unemployed. Hence, it is just and necessary to direct the respondent to pay Rs.10,000/- per month to the petitioner and Rs.5000/-

to each child , totally Rs.20,000/- per month as interim maintenance .

3. The averments in the counter in brief :

The respondent denied all the petition averments. The petitioner was holding bank account in Indian Overseas Bank. The said bank account was initially opened in Ambattur Industrial Estate Branch and later transferred to Mugappair Branch, the petitioner's salary and all money transaction took place through the said account and hence, she purposefully evaded filing the said bank statement before this court. The respondent's daughter S. Analika is 6 years old and studying in Chennai Government Middle School at Ennore and another child is only Ebanesh only one year old child. While such is the matter, the petitioner mentioned Rs.50,000/- as education expenses. In Para E, 4-c of the assets and liabilities it is mentioned that extra education expenses as Rs.15,000/-. Thus, the total expense comes to Rs.65,000/- which is exorbitant and the petitioner has not come to court with clean hands. The petitioner is employed initially in Adyar Ananda Bhaven, Mogappair and thereafter, transferred to Anna Nagar East Branch, and she quit the job in 2023 and now working in Textile shop at Kalmandapam, Chennai and earning Rs.15,000/- per month, which she suppressed and also failed to file the bank statement. The petitioner is residing in own house, hence, there is no rent expenses. Even the loan obtained by the petitioner from *Mahalir Kuzhu* is paid by the respondent till date. The marriage was a love marriage, hence, she did not brought any jewels or articles during or after the marriage. During the police enquiry on 26.01.2023, the petitioner took

all her clothes from the respondent's house and also said she is not willing to live with the respondent and also removed and threw the *thali* chain at the face of respondent in the police station itself. The respondent was fired from the Gym trainer job and now searching for a job and now working as only daily wages work. He is residing in a rented house with his mother and having hard making livelihood. Hence, prayed to dismiss the petition.

4. Both side filed affidavit of assets and liabilities. Both side no oral evidence adduced and no documents marked.

5. Now, the points for consideration is

1. **Whether the petitioner is entitled for the relief of maintenance as prayed for?**
2. **Whether this petition is entitled to be allowed ?**

6. **POINTS:**

Heard both side. Records perused.

This petition is filed by the petitioner to direct the respondent to pay a sum of Rs.10,000/- per month to the petitioner and Rs.5,000/- each to her two children, thus totally Rs.20,000/- per month towards their maintenance till the disposal of the main original petition and also travelling expenses of Rs.1000/- and litigation expenses of Rs.15,000/- .

7. On perusal of the records and points put forth by both the counsel, it is learnt that the marriage between the petitioner and respondent was solemnized on 27.04.2018 and out of the wedlock, they have two children, first child is aged

6 years and another child is 2 years old. The respondent has filed the main original petition seeking divorce from the petitioner on the ground of cruelty. Pending the original petition, the petitioner /wife has filed this application seeking maintenance from the respondent for herself stating that the respondent is working as Gym Trainer and earning Rs.40,000/- per month. Hence, seeks total maintenance of Rs.20,000/- to the petitioner and her both children.

8. Per contra, the case of the respondent is that the petitioner treated the respondent with cruelty, also left the matrimonial house on her own volition and she is working and earning Rs.15,000/- per month, but now the respondent is jobless, thus petitioner is not entitled to claim maintenance.

9. The marriage between the petitioner and respondent was admitted. Birth of two children is also admitted. While the petitioner states that the petitioner is earning upto Rs.40,000/- per month, the respondent denies the same as his moderate income as daily wager is sufficient only to meet the medical expenses of his aged mother and also to discharge the debt which was obtained by the petitioner/wife.

10. As far as the claim of the petitioner about the income of the respondent is concerned, both side assets and liabilities are filed. On perusal of the assets and liabilities of the petitioner, she has stated that the approximate expenses incurred on account of the petitioner is Rs.40,000/- towards food, clothing and medical expenses and education expenses as Rs.50,000/- per month she has shown that she is unemployed. She has shown her liabilities as "NIL".

Thus, the petitioner has stated that she is unemployed. It is the contention of the respondent that the petitioner is employed in a Textile shop at Kalmandapam, Chennai and earning Rs.15,000/- per month . However, the petitioner in order to substantiate the income of the petitioner has not filed any document to prove his contention that the petitioner is earning Rs.15,000/- per month.

11. On the other hand , on perusal of the assets and liabilities filed by the respondent is concerned, he has stated that he is earning monthly, Rs.10,000/- as a daily wager, whereas his monthly expenses as Rs.20,000/-. However, in order to substantiate his income, both the petitioner as well as the respondent have not produced either his salary certificate or his bank statement that he is getting monthly income only Rs.10,000/-. Even though sufficient opportunities were given to the respondent to produce his bank statement, he declined to produce the same. As far as the liabilities of the respondent is concerned, he states that he has to maintain his aged mother. Further, he would contend that the first child who is aged about 6 years is studying in Government school and the second child is only aged about two years, therefore, the education expenses shown by the petitioner as Rs.50,000/- is not sustainable.

12. As far as the contention of the petitioner about her income is concerned, she has stated that she is unemployed. Though the petitioner contends that the respondent is working as Gym Trainer and getting monthly salary of Rs.40,000/- per month , the petitioner has not chosen to adduce any documentary evidence to substantiate her claim. In the absence of any proof as to the income of

either the petitioner or the respondent, this Court is not able to consider and arrive at the income of the petitioner or the respondent and is constrained to take into consideration their respective statements in their assets and liabilities, which are denied by each other.

13. Even though the petitioner has not produced any document to prove the monthly income of the respondent, the respondent has not disputed the custody of the two children, now aged 6 and two years respectively with the petitioner. Though the respondent contends that she is earning more than Rs.15,000/-, she failed to substantiate with sufficient documents. The petitioner states that both her female children are studying in school, having no sufficient source of income to maintain herself and also the maintenance of their both children to meet out the medical and education expenses. On perusal of the assets and liabilities filed by the petitioner/wife, it is stated that general monthly expenses of the petitioner towards, rent, household expenses, medical bills, transportation, etc. is about Rs. 40,000/-. Further, it is stated that she is depending upon her parents, who are aged to meet her children's education expenses.

14. In the above said circumstances, on considering the rival contentions, even though the petitioner has not produced documents to substantiate the claim about the income of the respondent, since two children are under the care and custody of the petitioner, the respondent cannot be absolved from his liability of maintaining his wife and his own children. Moreover, the

respondent is the husband and he has the bounden duty to maintain his wife and the children.

15. This respondent admits the birth of children between himself and the petitioner and both the children are minors, now aged about six and two years and also under the care and custody of petitioner. So, the respondent is liable to pay maintenance to his own children and to his wife, the petitioner herein. Though the respondent contends that the female child is studying only in the Government school, it is denied by the petitioner.

16. The respondent himself admitted his earnings by working as a daily wager. Even if it is so, the respondent is liable to maintain his wife and children when they are unable to maintain themselves. Hence, both children are minors, so, they are not supposed to maintain themselves without proper income. The petitioner stated in her Assets and liability that the monthly expenses of her children and the petitioner as Rs.40,000/-. So, respondent as husband/father is liable to maintain his wife and the children not only morally, but legal bound principles.

17. Admittedly, the children are under the custody of the petitioner and petitioner is taking care of food, education and medical expenses of the minor children. When the respondent admits the custody of his minor children with the petitioner and also when the income of the petitioner is found insufficient to meet the above expenses, the petitioner alone cannot be burdened with the entire expenditure on her shoulders for the upbringing of the children.

18. This Court cannot consider that mere pleadings on the earnings by the petitioner and the respondent to be a ground for deciding this application. So, this Court considers that the respondent is liable to pay maintenance to the petitioner, and also to their children along with the petitioner. Now a days, considering the living costs and expenses of day-to-day life , the petitioner would require at-least Rs.15,000/- to lead a normal life for herself and for the children aged below 10 years. Therefore, on considering position of the petitioner, child and also respondent, this court considers that the respondent has to pay Rs.7500/- per month to the petitioner towards maintenance of herself and Rs.7,500/- to both children , totally , Rs.15,000/- to the petitioner towards her maintenance and for both the children, which would meet ends of justice.

19. As far as the litigation expenses is concerned she has sought for Rs.15,000/-. On the foregoing discussions this court inclined to allow Rs.10,000/- towards litigation expenses to be paid by the respondent to the petitioner. However, considering the fact that the petitioner has not produced any document towards travelling expenses, this Court is declined to grant travelling expenses. Thus, this point is answered accordingly.

In the result, this petition is partly allowed. The respondent is directed to pay Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) per month to the petitioner and Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) per month to her both children, S. Analika and S. Ebenesh towards their monthly maintenance from the date of application till date of

disposal of main Original Petition. The respondent shall pay the total monthly maintenance of Rs.15,000/- to petitioner on or before 10th day of every English Calendar Month. The respondent is also directed to pay Rs.10,000/- to the petitioner towards litigation expenses.

Dictated to Steno-typist, transcribed and typed by him, corrected and pronounced by me in Open Court, on this, 25th day of February, 2026

**PRINCIPAL DISTRICT JUDGE,
TIRUVALLUR**

Petitioner and Respondent side Witnesses & Exhibits : - Nil –

**PRINCIPAL DISTRICT JUDGE,
TIRUVALLUR**