

IN THE COURT OF PRINCIPAL DISTRICT JUDGE AT TIRUVALLUR
PRESENT: Tmt.J. JULIET PUSHPA, B.Sc., M.L.,
Principal District Judge, Tiruvallur

Saturday , the 20th day of September , 2025

I.A.1/2024 IN IDOP.383/2022
(CNR No.TNTR010069232022)

A. Selvamathi

...Petitioner/ Respondent

/Vs/

S. John Rathinam

....Respondent / Petitioner

This petition coming on 16.09.2025 before me for final hearing in the presence of M/s. S. Madhankumar, P.M. Sukanya Learned Counsels for the Petitioner/Respondent and M/s N. Bevlah, Learned Counsels 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.20,000/- per month to the petitioner and Rs.10,000/- each per month to the children and litigation expense of Rs.10,000/- pending disposal of IDOP.383/2022.

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 between them was solemnized on 13.02.2014 at CSI Thomas Church, Srivilliputhur. The

petitioner's family spent more than Rs.2 lakhs for the marriage and given 15 sovereign of gold jewels. Due to wedlock they begotten 2 female children namely Anya Grace and Alwin Jose. The growing up children are now without any monetary and physical support from the respondent. They need basic necessity like food, clothing, health care and day to day expenses. The respondent is working as Supervisor at TANGEDCO Vallur Company, Chennai and his monthly salary is around Rs.60,000/- and doing business online commodity marketing and earning monthly Rs.50,000/-. He is separately doing finance, chits and real estate broker and he is earning more than Rs.3 lakhs per month. He can very easily pay Rs.1,00,000/- per month for their monthly maintenance. It is the bounden duty of respondent to provide maintenance to the petitioner and the children . Hence prayed to pay interim maintenance of Rs.20,000/- to the petitioner and Rs.10,000/- each to the children and Rs.10,000/- towards litigation.

3. The averments in the counter in brief :

The respondent denied all the petition averments except marriage and the birth of two children. He has filed the original petition seeking dissolution on the ground of adultery. After the marriage he left for Saudi Arabia for employment. While working, he transferred totally Rs.12,39,211.78/- to the petitioner from 15.12.2016 to 04.06.2018. Further, he paid the school fees for the children till 2023, thereafter, the petitioner refused to receive the fees. He provided accommodation to the petitioners as the petitioner lived in the 1st floor, rations

for every month and paid the electricity bill. Therefore, the question of maintenance would not arise. The petitioner is working as teacher in Immanuel Matriculation school and earning more than Rs.20,000/-per month , but the assets and liabilities shows that she is earning Rs.5000/- which no teacher in the year 2024 would receive as salary. She is liable for criminal action for filing false assets and liabilities. The income of the respondent as stated in the petition as Rs.60,000/- and in total Rs.3 lakhs are utterly false. In the year 2018, the petitioner returned to India and joined Global Environment company as Operator on a contract basis . His salary is approximately Rs.24,000/- per month. He is maintaining his father, mother with the meager income. In fact he is paying rations , electricity bills and other expenses to the petitioner. The petitioner is living in adultery with one Kaliraj and Premkumar. Intimate pictures of her proves the same. There are also unknown affairs are there. Petitioner is not entitled for maintenance since she is living in adultery. The respondent tolerated the utmost cruelty meted out by the respondent. Petitioner is harassing the respondent not showing the children to him. This petition is abuse of process of law. Hence prayed to dismiss the petition.

4. Both side filed affidavit of assets and liabilities. Both have not adduced any oral or documentary evidence.

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.20,000/- per month to the petitioner and Rs.10,000/- each to their two female children towards their maintenance till the disposal of the main original petition and also Rs.10,000/- towards litigation expenses.

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 13.02.2014 and out of the wedlock, two female children, Alwin Jose and Anya Grace, now aged 10 and 9 years respectively. But, the respondent has filed the main original petition for getting divorce from the petitioner on the ground of cruelty. In the meantime the respondent in the main Original petition i.e. wife has filed this application seeking maintenance from the respondent for herself and her children stating that the respondent is working as Supervisor in TANGEDCO company and also doing online trading and also real estate business and earning more than Rs.3,00,000/- per month and the petitioner and her children are under the care of their parents with no other source of income. Hence, seeks maintenance for herself and her children.

8. Per contra, the case of the respondent is that the respondent is earning only Rs.24,000/- per month as an Operator in private company and he is paying the school fees and other expenses and on the other hand, the respondent

is working as teacher and earning more than Rs.20,000/- thus the claim of the petitioner is exorbitant.

9. The marriage between the petitioner and respondent was admitted. The birth of two female children, now aged 10 and 9 years is also admitted. While the petitioner states that the petitioner is earning upto Rs.3 lakhs per month, the respondent denies the same. 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 is concerned, she has stated that the approximate expenses incurred on account of the petitioner and her dependent, i.e. parents are Rs.30,000/- and that her children is Rs.80,000/- towards education, food, clothing and medical expenses. The petitioner has stated that she is employed as temporary teacher in Immanuel Matriculation School and her monthly income is Rs.5,000/-. The assets of the petitioner is shown as NIL and there is no other liability on the petitioner, except a loan amount of Rs.40,000/-. Further, upon the respondent the petitioner stated that he is working in NTCL, Athipattu and drawing a salary of Rs.60,000/- per month and also having agriculture land, two houses, three commercial shops and receiving rents of Rs.1,00,000/- per month. Overall, he is getting income of Rs.3,00,000/- per month.

10. On the other, on perusal of the assets and liabilities filed by the respondent is concerned, he has produced his salary certificate issued by M/s Ashok Power Planning, Thiruvottiyur for the month of August 2025, wherein he

has been employed as Operator at the site of NTECL Township , with gross salary of Rs. 24,296, with deduction Rs. 1927 with OT amount of Rs.5394/- , thus his net salary is Rs.29690/-. Further, the statement of accounts of the petitioner produced for the period for the past one year of the respondent in State Bank of India bearing Account No. 30020134233, it shows that he is regularly getting his salary and in the month of July 2025, his salary is Rs.32,506/- and for the month of August 2025, his net salary is Rs. 32,164/-. Furthermore, apart from his salary, there is no other income except Rs.2000/- or Rs.1000/- per month occasionally. Thus, it can be ascertained that the regular income of the respondent is Rs.32,000/- per month. As far as the liabilities of the respondent is concerned, he states that he has to maintain his aged father and mother and he is also paying the school fees of his two children for which he has produced the term fees paid for the year 2021 -2022 and 2022-2023.

11. As far as the contention of the petitioner about her income is concerned, she has admitted that she is working as temporary teacher in Emmanuel Matric Higher Secondary School, Chennai. Though the petitioner has stated in the assets and liabilities filed by her that she is drawing the monthly salary of Rs.5000/- working as temporary teacher, the salary certificate produced by her shows that her monthly salary for June 2025 is Rs.10,950/- and in July it is Rs.11,700/- and she working as BT Assistant in the said school. Thus, it can be construed that the petitioner earning a monthly salary of Rs.10,000/-.

12., The respondent has also not disputed the custody of the two female children, now aged 10 and 9 respectively with the petitioner. Though the respondent contends that she is earning more than Rs.20,000/-, her salary certificate shows her income as Rs.10,000/-. 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. 80,000/-. Further, it is stated that she is depending upon her parents, who are aged to meet her children's education expenses. Further, it is stated in the statement that the petitioner has obtained hand loan of Rs.40,000/-. It is also stated that the respondent/husband is earning Rs.3,00,000/- per month by way of salary, online trading, house rental income , etc..

13. On the other hand, a perusal of assets and liabilities filed by the respondent/husband reveals that that he is drawing the monthly net salary of Rs.32,000/-, which is revealed from his salary certificate as well as bank statement. Though the petitioner states that he is earning about Rs.3 lakhs per month, there no document produced by her to substantiate her claim. Thus, with the available documents adduced on both side, it can be construed that the income of the respondent as Rs.32,000/-.

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 female 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 child between himself and the petitioner and the female children are minors, now aged about 10 and 9 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. Admittedly, the respondent has produced the school fees paid for his children of the year 2021-2022 and 2022-2023.

16. The respondent himself admitted his earnings by working as Operator in private company and earning only Rs.32,000/- per month. At the same time, this Court considers that the petitioner is also earning Rs.10,000/- per month which is evident from her salary certificate. 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.80,000/-. 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 atleast Rs.25,000/- 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.5000/- per month to the petitioner towards maintenance of herself and Rs.3,500/- each to both children , which would meet ends of justice.

19. As far as the litigation expenses is concerned she has sought for Rs.10,000/-. On the foregoing discussions this court inclined to allow Rs.10,000/- towards litigation expenses to be paid by the respondent to the petitioner. Thus, this point is answered accordingly.

In the result, this petition is partly allowed. The respondent is directed to pay Rs.5,000/- (Rupees Five Thousand only) per month to the petitioner and Rs.3,500/- (Rupees Three Thousand and Five Hundred only) each per month to her both children, Anya Grace and Alwin Jose 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.12,000/- 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, 20th day of September, 2025

**PRINCIPAL DISTRICT JUDGE,
TIRUVALLUR**

Petitioner and Respondent side Witnesses & Exhibits : - Nil –

**PRINCIPAL DISTRICT JUDGE,
TIRUVALLUR**