

**IN THE COURT OF PRINCIPAL DISTRICT JUDGE AT TIRUVALLUR**

**PRESENT: Dr. J. JULIET PUSHPA, Ph.D. (Law)**

Principal District Judge, Tiruvallur

**Wednesday, the 11<sup>th</sup> day of March, 2026**

**IA.1/2022 in IDOP.796/2021**

**(CNR No.TNTR010083522021)**

P.K. Monica

...Petitioner/ Respondent

/Vs/

R. Vinoth Alexander

....Respondent / Petitioner

This petition coming on 26.02.2026 before me for final hearing in the presence of M/s. E. Sathiyaraj, G.Balamanikandan, C. Vinayagamoorthy, Learned Counsel for the Petitioner/Respondent and M/s M. .Ranjithkumar, 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 Petitioner Under section 36 of Indian Divorce Act 1869 to direct the respondent to pay a sum of Rs.30,000/- per month to the petitioner towards interim maintenance.

**2. The averments in the petition in brief :**

According to the petitioner, the marriage between the petitioner and respondent was solemnized on 30.10.2019 t St. Paul's Church , Sathangadu High

Road, Kaladipet, Chennai. At the time of marriage her parents presented 15 sovereign gold to the petitioner and 12 sovereign gold to the respondent along with household articles worth about Rs.1.5 lakhs as dowry. After the marriage, the matrimonial house was set up in respondent's house at Kaladipet. Thereafter the petitioner noticed that the respondent is a drunkard. The petitioner went to her parents house for *seemantham* and spent Rs.50,000 for the maternity. After the birth of the child on 10.08.2020, and coming to matrimonial house the respondent and his family started to harass the petitioner and driven out her from the matrimonial house and the respondent sent legal notice on 08.01.2021. After that, she went to the matrimonial house on 27.03.2021, the respondent again started to ill-treat her and even suspected her fidelity and attacked her. Again she was driven out from the matrimonial house on 28.04.2021 along with the child. Now, the petitioner along with the child is living with the care and custody of her parents for maintaining them. The respondent never taken care including the child. The petitioner is pledging her jewels to meet out the expenses. The respondent is working as Branch Manager at Baron Logistics, Minjur and drawing monthly salary of Rs.40,000/- and also doing export business and earning is Rs.20,00/- per month. Apart from that he is also getting rent by letting out the portion. The jewels 1 ½ sovereign and household articles worth of Rs.1.5 lakhs and even the dress materials of petitioner are also in the custody of the respondent. Hence, prayed to direct the respondent to pay monthly maintenance

of Rs.30,000/- from the date of petition.

**3. The averments in the counter in brief :**

The respondent denied all the petition averments except marriage and the birth of the child. The respondent never demanded dowry and even he does not know the particulars of jewels which is in possession of petitioner. The petitioner often used to go to her parents' house saying "I don't like your house in this area. I don't like you, and anyone here" and conducted herself with arrogant attitude. Even the respondent's parents spent Rs.50,000/- for conducting seemantham. On 10.08.2020, male child Liyaan Andrew was born at Mother's specialty hospital, Ambattur, Chennai and the entire medical expenses of Rs.110000 was borne by the respondent and the petitioner paid Rs.50,000/- for the hospital account Even the petitioner did not allow the respondent's family members to see the child. The respondent sent legal notice on 08.01.2021 to join with him , and only after that she came on 27.03.2021 and joined and daily picked up quarrel with the respondent and his family members. She picked up quarrel with respondent broke the respondent's mobile phone and went to her parents house on 28.04.2021 without informing the respondent. Thereafter, the petitioner refused to talk to the respondent till date. Hence, he has filed the petition for dissolution. The respondent's house is very luxury worth of Rs.80 lakhs or Rs.1 crores and she preferred to stay in her parents' house. The petitioner is working as simple

labourer in Baron Spices , Prakasam District, Andhra Pradesh as he has studied only +2 and he left the job in May 2021 and now he is unemployed. The respondent and his parents are residing in rental house. The property in the name of his father is also under dispute in AS No. 32/2022. The petitioner has no intention to live with the respondent and she never discharged her household duties. On 28.04.2021 she left the house and never returned. The petitioner also filed MC.18/2022 before Judicial Magistrate, Ambattur. 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.30,000/- per month to the petitioner towards her maintenance till the disposal of the main original petition.

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 30.10.2019 and out of the wedlock, one male child was also born on 10.08.2020. The respondent has filed the main original petition seeking divorce from the petitioner on the ground of cruelty and desertion. In the meantime, the respondent in the main Original petition i.e. wife has filed this application seeking maintenance from the respondent for herself stating that the respondent is working as Branch Manager at Baron Logistics, Minjur and drawing monthly salary of Rs.40,000/- and also having rental income and also doing export business through which he is having Rs.20,000/- per month. Hence, seeks maintenance for herself.

8. Per contra, the case of the respondent is that the respondent left the job in Andhra Pradesh in May 2021 and now jobless and also he along with parents are residing in rental house and the petitioner is having own house worth of Rs.1 crore and also leading luxurious life and she has already filed MC No.18/2022 before Judicial Magistrate, Ambattur.

9. The marriage between the petitioner and respondent was admitted the birth of the male child and custody of the child with the petitioner is also admitted by the petitioner. While the petitioner states that the respondent is earning upto Rs.60,000/- 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 is Rs.30,000/- and that of the child as Rs.15,000/- towards food , clothing and medical expenses. The petitioner has stated that she is not employed anywhere and residing in her parents' house and solely depending upon her parents and showing her Income in the assets and liabilities as "NIL". Further, upon the respondent the petitioner stated that he is working as Manager in private company and drawing a salary of Rs.40,000/- per month apart from other income of Rs.20,000/-.

10. On the other hand, on perusal of the assets and liabilities filed by the respondent is concerned, he has produced his statement of accounts along with the assets and liabilities with Kotak Mahindra Bank, which shows the monthly income of the respondent by way of deposit upto May 2023 and average income as Rs.15,000/-. The respondent has not produced his bank statement after May 2023 and he has not disclosed the present income. As per the assets and liabilities, he has shown his income as "NIL", but has shown only his liability of loans.

11. As far as the contention of the petitioner about her income is concerned, she has stated she is not working anywhere. The respondent is also not disputing the fact that the petitioner is not employed anywhere and the custody of the child, now aged about 4 years with the petitioner.

12. On perusal of the assets and liabilities filed by the petitioner/wife, it is stated that general monthly expenses of the petitioner towards, household

expenses, medical bills, transportation, etc. is about Rs. 20,000/- for her and Rs.15,000/- for the child. Further, it is stated that she is depending upon her parents . There are no other liabilities shown by the petitioner.

13. On the other hand, a perusal of assets and liabilities filed by the respondent/husband reveals that even though he is showing his income as “NIL”, shown only the liabilities of bank loans. But, the statement of accounts of the respondent which is produced only upto May 2023, the average deposit into the bank account is Rs.15,000/-. The petitioner has also not produced any other document to show that petitioner is earning more than Rs.15,000/-. The petitioner states that the respondent is having having another account in Indian Overseas Bank. Thus, this court called for the respondent to produce the bank account in the Indian Overseas Bank. However, the respondent neither come forward deny the case of petitioner that he is not holding any account in Indian Overseas bank or to produce the same. Thus, with the available documents adduced on both side, though this court is unable to ascertain the present income of the petitioner as both side not adduced any evidence, with the available bank statement, it can be construed that the income of the respondent as Rs.15,000/- and also he is holding another account in Indian Overseas Bank which he has refused to produce. Hence, this court draws adverse inference as against the respondent upon the refusal of production of his bank account in Indian overseas Bank.

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, the respondent cannot be absolved from his liability of maintaining his wife and the child who is aged 4 years now under the custody of the petitioner. Moreover, the respondent is the husband and he has the bounden duty to maintain his wife and his child. So, the respondent is liable to pay maintenance to his wife, the petitioner and the child.

15. The respondent himself admitted that the petitioner is not an earning member. Though the petitioner has not produced any document to prove the actual income of the petitioner but alleged that he is drawing Rs.40,000/- per month as monthly salary. Not even any proof about his employment particulars are produced by the petitioner. Even if it is so, the respondent is liable to maintain his wife and the child when she states that she is unable to maintain herself and the child without proper income. The petitioner stated in her Assets and liability that the monthly expenses as Rs.35,000/- for her and the child. So, respondent as husband is liable to maintain his wife and the child not only morally, but legal bound principles.

16. 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. Now a days, considering the living costs and expenses of day-to-day

life , the petitioner and the child would require atleast Rs.15,000/- to lead a normal life for herself. However, on considering position of the petitioner, and also considering the quantum of the income of the petitioner, for which no substantial proof is produced, this court considers that the respondent has to pay Rs.15,000/- per month to the petitioner towards the maintenance of her and her child which would meet ends of justice. These points are answered accordingly.

**In the result, this petition is partly allowed. The respondent is directed to pay Rs.15,000/- (Rupees Fifteen Thousands only) per month to the petitioner towards the monthly maintenance of the petitioner and the child from the date of application till date of disposal of main Original Petition. The respondent shall pay the monthly maintenance to petitioner on or before 10<sup>th</sup> day of every English Calendar Month.**

Dictated to Steno-typist, transcribed and typed by him, corrected and pronounced by me in Open Court, on this, 11<sup>th</sup> day of March, 2026

**PRINCIPAL DISTRICT JUDGE,  
TIRUVALLUR**

Petitioner and Respondent side Witnesses & Exhibits : - Nil –

**PRINCIPAL DISTRICT JUDGE,  
TIRUVALLUR**