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CRP.No.4468 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2025

**CORAM
THE HONOURABLE MR. JUSTICE P.B.BALAJI**

**CRP.No.4468 of 2024
and
CMP.No.24931 of 2024**

C.Vilva Priya

... Petitioner

Vs.

S.Chella Babu

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, as against the fair and decreetal order dated 14.03.2024 in I.A.No.2/2023 in HMOP No.3234 of 2022, on the file of III Additional Principal Family Court, Chennai and be pleased to enhance the interim maintenance from Rs.30,000/- to Rs.75,000/- per month to both the petitioner and her minor son.

For Petitioner : Mr.M.Santhanaraman
For Respondent : Mr.N.Vijayaraj

ORDER

The Civil Revision Petition is filed as against the fair and decreetal order dated 14.03.2024 in I.A.No.2 of 2023 in HMOP No.3234 of 2022, on the file of III Additional Principal Family Court, Chennai.

2. The petitioner / wife has sought for enhancement of interim



maintenance awarded by the Family Court at Rs.30,000/- for herself and a minor child studying in IX standard.

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3. Learned Counsel for the petitioner / wife states that the respondent / husband is earning a handsome salary and though originally meeting the educational expenses, after March 2023, he stopped payment of even the school fees. Learned Counsel would also take me through the impugned order and state that there is absolutely no dispute with regard to the quantum and the Family Court has not even adverted its attention to the affidavit of assests and liabilities filed on either side, to ascertain the income that has been accruing to the respondent / husband. Learned Counsel further states that though the Family Court has awarded litigation expenses at Rs.20,000/- as claimed by the petitioner / wife, in so far as the interim maintenance, the Family Court has not even discussed the entitlement of the petitioner / wife and has also ignored the requirement of the minor child to meet even basic expenses like travelling to school, food, clothing, shelter, tuition fees for examinataion etc.,



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4. Per contra, the learned Counsel for the respondent / husband would state that the husband has been making the entire payment of school fees and he is also willing to continue to pay school fees. He would further state that the husband is suffering from medical condition and is spending substantial amount towards treatment and medication. That apart, the respondent / husband has to take care of his old mother, who is sick and requires constant medical attention including expense for medicines. He would also state that the respondent / husband is also paying EMI for his loans and also for insurance premium.

5. I have carefully considered the arguments advanced by the learned Counsel on either side.

6. It is submitted that the respondent / husband has been paying school fees upto March, 2023. It is the contention of the learned Counsel that the respondent / husband has continued to pay school fees. However, this contention is the subject matter of proof and therefore, I am not going into the disputed question of facts. In so far as interim maintenance, the petitioner sought for interim maintenance to a sum of Rs.50,000/- for maintaining herself and minor son, who is studying in CBSC school, nearby the residence



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of the petitioner. The Family Court, despite having the benefit of the affidavit of assets and liabilities filed both by the petitioner and the respondent, has not even adverted to the various statements and admissions made in the said affidavits filed by the respective parties.

7. Considering the fact that the respondent / husband is willing to pay the entire amount that would be required to maintain the minor son without driving the parties to constant exchange of messages and notices regarding payment and non-payment on a regular basis, it would suffice, if the interim maintenance amount awarded by the Family Court at Rs.30,000/- is enhanced to a sum of Rs.45,000/- and it would serve the interest of the minor child as well. The said amount would be sufficient for the petitioner / wife to maintain herself as well as the minor child in a comfortable position.

8. Accordingly, the impugned order passed by the III Additional Principal Family Court in I.A.No.02 of 2023 in HMOP.No.3234 of 2022 is set aside and modified to a sum of Rs.45,000/-. The respondent / husband is directed to pay the arrears of maintenance amount at the rate of Rs.45,000/- p.m. from the date of filing of I.A. for interim maintenance under Section 24 of Hindu Marriage Act, within a period of eight (8) weeks from the date of



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receipt of a copy of this order.

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Accordingly, the Civil Revision Petition stands **allowed**. No costs.

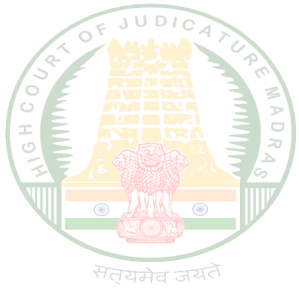
Consequently, connected miscellaneous petition is closed.

23.07.2025

Index: Yes/No
Speaking Order/Non-Speaking Order
veda

To

The III Additional Principal Family Court, Chennai.



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P.B.BALAJI, J.

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