

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 204-206 OF 2022  
(Arising out of SLP (C) Nos. 33511-33513/2018)

UMA PRIYADARSHINI S.

... Appellant(s)

VERSUS

SUCHITH K NAIR

... Respondent(s)

J U D G M E N T

Leave granted.

Heard learned counsel for the parties.

These appeals are against a judgment and order dated 19.04.2018 passed by the High Court of Judicature at Madras in Civil Revision Petition Nos. 890 and 3625 of 2017 and CMP No.4366 of 2017 filed under Article 227 of the Constitution of India.

These Civil Revision Petitions were filed by the Appellant and the Respondent against an order dated 23.11.2016 of the Subordinate Judge, Poonamallee in IA No. 93 of 2015 in HMOP No.368 of 2014.

By the aforesaid order, the learned Subordinate Judge, Poonamallee disposed of the Application being IA No.93 of 2015 filed by the Appellant for maintenance for herself and her minor son born of the wedlock between the Appellant and the Respondent, *inter alia*, by directing the Respondent to pay the Appellant a sum of Rs.25,000/- per month towards interim maintenance and to pay the actual educational expenses of the child.

The High Court has, by the impugned judgment and order held that the Appellant is not entitled to any maintenance as she is gainfully employed. The interim maintenance for the son has been reduced to Rs.15,000/- per month and actual educational expenses Rs.15,000/- per month for maintenance of the child is a pittance, too meagre. The impugned judgment and order cannot be sustained and is set aside.

Ms. Anitha Shenoy, learned senior counsel appearing on behalf of the Respondent, emphatically argued that the Respondent is willing to discharge and has been discharging his obligations towards his son, and has been incurring expenditure in the region of over Rs.1,00,000/- for the educational expenses of his son.

Ms. Shenoy, learned senior counsel also argued that the Respondent is a Pilot. The aviation industry has adversely been hit by the COVID-19 pandemic. Many commercial flights had to be grounded. The emoluments of the Pilots, which are directly linked to the number of flying hours have gone down drastically.

The issue of maintenance has to be decided afresh by the concerned court/family court in accordance with law, taking into account all relevant factors including the income of the respective spouses, the number of persons actually dependent on the spouses etc. A final decision shall be taken by the concerned court/family court as expeditiously as possible, preferably within six months from the date of communication of this order. The parties shall make a disclosure of their income, assets, savings, etc. before the concerned court.

In the meanwhile, the respondent shall bear all educational and medical expenses of the child as per actuals. In addition, the Respondent shall pay Rs.30,000/- per month towards the expenses of the child on account of food, clothing etc. and a further sum of Rs.11,000/- per month towards house rent that is being paid by the Appellant. Needless to mention that the respective parties may apply to the court concerned in case of change of circumstances in future and/or in the interregnum.

The Respondent shall also pay a lump-sum amount of Rs.1,00,000/- to the Appellant towards litigation expenses.

The appeals are, accordingly, disposed of.

Pending applications, if any, also stand disposed of.

....., J.  
(Indira Banerjee)

....., J.  
(J.K. Maheshwari)

New Delhi;  
January 06. 2022.