

C.R.P(MD)No.1414 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2026

CORAM

THE HON'BLE MR. JUSTICE S.SOUNTHAR

C.R.P.(MD)No.1414 of 2023

and

C.M.P(MD)No.7075 of 2023

R.Parthiban

.. Petitioner

Vs.

1.Sivasankari

2.Gokul

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 22.11.2022 made in I.A.No.2 of 2022 in H.M.O.P.No.37 of 2020 on the file of the Subordinate Court, Manapparai.

For Petitioner : Mr.Suresh for
Mr.B.Prasanna Vinoth

For Respondents : Mr.M.Sudharani

* * * * *



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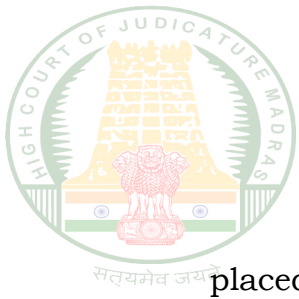
ORDER

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This Civil Revision Petition is filed challenging the order passed by the Subordinate Court, Manapparai, in I.A.No.2 of 2022 in H.M.O.P.No.37 of 2020, directing the petitioner/husband to pay maintenance to the respondents/wife and minor son at the rate of Rs. 6,000/- per month from the date of the main H.M.O.P.

2.It is not in dispute that the petitioner/husband filed H.M.O.P. No.37 of 2020 seeking divorce on the grounds of desertion and cruelty. Pending disposal of the main H.M.O.P., the first respondent/wife filed I.A.No.2 of 2022 seeking maintenance at the rate of Rs.30,000/- per month. The said application was filed on 23.03.2022. By the impugned order, the court below directed the petitioner/husband to pay maintenance at the rate of Rs.6,000/- per month from the date of the main H.M.O.P. Aggrieved by the said order, the petitioner has filed the present Civil Revision Petition.

3.The learned counsel for the petitioner fairly submitted that though several grounds were raised in the revision petition, he confined his submissions to Ground (d). According to the learned counsel, the court below committed an error in directing the petitioner to pay maintenance from the date of filing of the main H.M.O.P. He



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placed reliance upon the decision of the Hon'ble Supreme Court in ***Rajnesh v. Neha and Another***, reported in **(2021) 2 SCC 324**, and contended that maintenance can be awarded only from the date of filing of the maintenance application.

4.Per contra, the learned counsel for the respondents submitted that the quantum of maintenance awarded by the court below, namely Rs.6,000/- per month, is meagre and requires enhancement.

5.Admittedly, the respondents have not filed any revision challenging the quantum of maintenance awarded by the court below. Therefore, the submission of the learned counsel for the respondents seeking enhancement of maintenance cannot be considered in the present revision filed by the petitioner. However, if there is any subsequent change in circumstances, it is always open to the respondents to work out their remedy in the manner known to law by filing an appropriate application seeking enhancement of maintenance.

6.The Hon'ble Supreme Court in ***Rajnesh v. Neha*** (cited supra) has categorically held that maintenance should ordinarily be awarded from the date of filing of the application seeking maintenance. The relevant portion of the judgment reads as follows:



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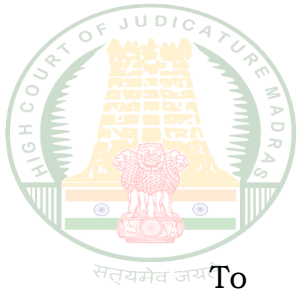
"It has therefore become necessary to issue directions to bring about uniformity and consistency in the Orders passed by all Courts, by directing that maintenance be awarded from the date on which the application was made before the concerned Court. The right to claim maintenance must date back to the date of filing the application, since the period during which the maintenance proceedings remained pending is not within the control of the applicant."

7.In view of the categorical pronouncement made by the Hon'ble Supreme Court in the above decision, this Court finds merit in the contention advanced by the learned counsel for the petitioner. Accordingly, the order passed by the court below requires modification. The petitioner is directed to pay maintenance at the rate of Rs.6,000/- per month from the date of filing of the maintenance application, namely, 23.03.2022.

8.With the above modification, this Civil Revision Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

30.06.2026

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
skn



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To

1.The Subordinate Court, Manapparai.

2.The Section Officer, V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

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