



Crl.R.C(MD)No.960 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.02.2026**

CORAM

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

CRL.R.C.(MD)No.960 of 2025

Ramanapriya @ Angelin Priya

... Petitioner

vs.

Amose Deva Sahayam

... Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the entire records in M.C.No.71 of 2020 on the file of Family Court, Madurai and set aside the order dated 09.12.2024.

For Petitioner : Mr.N.Anantha Padmanadam
Senior Counsel
For M/s.APN Law Associates

For Respondent : Mr.P.Samuel Gunasingh
For D.Ravindran

ORDER

Heard Mr.N.Anantha Padmanadam, learned Senior Counsel for M/s.APN Law Associates, for Revision Petitioner and Mr.P.Samuel Gunasingh, learned Counsel for D.Ravindran, for Respondent.



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2. This Criminal Revision Case has been filed challenging the maintenance order passed by Family Court, Madurai, in M.C.No.71 of 2020, dated 09.12.2024, whereby maintenance petition filed by Petitioner was disposed of finding that since the Petitioner has been paid the interim maintenance of Rs.7000/- in DVC No.33 of 2020, no further maintenance is required to be paid. It is the above order which is the subject matter of challenge in the present Criminal Revision Case.

3. The marriage between Petitioner and Respondent was solemnized on 05.09.2005, according to Christian rites and customs. It is submitted that it was a love marriage. Petitioner, a Hindu by faith, converted to Christianity with the consent of her parents a few weeks prior to the marriage, and her name was changed from Ramanapriya to Angelin Priya. Due to differences, parties have separated. Petitioner states that she was forced out of her matrimonial home sometime in December 2005, i.e., hardly three months since marriage.

3.1. Respondent was appointed as PET Master in a Government School at Katumavadi in Pudukottai District sometime in 2008. Soon



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thereafter, petitioner began living with Respondent. It is submitted that Petitioner's father had settled 3 acres of land to Petitioner, out of which Petitioner settled 5 cents in favor of Respondent in 2016. It is further submitted that Respondent constructed a house on 5 cents of property that had been settled by Petitioner in his favor.

4. Learned Senior Advocate appearing on behalf of Petitioner would submit that considerable emphasis has been placed by Respondent on the fact that the property given to the petitioner by her father has been converted into house site and therefore, petitioner does not deserve maintenance. However, it is submitted by petitioner that the said property falls within an area governed by the Hill Area Conservation Authority (HACA), and any development for use as a house site is not permissible without obtaining the requisite permission as contemplated under the relevant Rules. It is further submitted that, as on date, no such permission has been obtained to construct or convert the said property into a house site, thus submission of respondent is incorrect.

4.1. Learned Senior Advocate would also submit that the said property is not suitable for agricultural purposes, as the terrain is rocky in



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nature. It is further submitted that the Petitioner had filed a divorce petition, which was allowed. Petitioner had also filed a maintenance petition; however, the same was disposed of on the ground that interim maintenance of Rs.7,000/- had already been paid in DVOP proceedings, and therefore no further maintenance was required to be paid.

4.2. Learned Senior Counsel for Petitioner would further contend that impugned order suffers from manifest and apparent errors, as would be evident from the following extract:

“எதிர்மனுதாரர் அவரது சாட்சியத்தில், அவரது அரசுப் பணியின் வாயிலாக, பிடித்தம் போக மாதம் ரூ.24,412/- சம்பளமாகப் பெற்று வருவதாகவும், அதில் அவரது வீட்டுவாடகை, மருத்துவச் செலவு, உணவு, மாதாந்திர செலவு, போக்குவரத்து மற்றும் இதர செலவுகளுக்காக மாதம் குறைந்த பட்சம் ரூ.45,000/- தேவைப்படுவதாகவும், இது தவிர எதிர்மனுதாரர் அவர் வாங்கியுள்ள கார், இரு சக்கர வாகனம் மற்றும் வீட்டு உபயோகப் பொருட்களுக்கான மாதாந்திரதவணை ஆகியவற்றிற்காக மாதம் ரூ.15,000/- முதல் ரூ.20,000/- கட்ட வேண்டியுள்ளதாகவும், மேலும் அவரது வயதான தாயாரின் பராமரிப்பு மற்றும் மருத்துவச் செலவுக்கு சில ஆயிரங்கள் செலவாவதாகவும் கூறியுள்ளார். மேலும் மனுதாரர் எதிர்மனுதாரர் மீது மதுரை கூடுதல் மகிளா நீதிமன்றத்தில் தாக்கல் செய்துள்ள DVC No.33/2020



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வழக்கில் இடைக்கால நிவாரணமாக ரூ.7,000/- செலுத்திவருவதாகவும், இதுநாள் வரை ரூ.1,45,000/- செலுத்தியுள்ளதாகவும் கூறியுள்ளார். மனுதாரருக்கு அவரது தந்தை எழுதிக் கொடுத்த எ.ம.சா.ஆ.1-ன் மூலம் கிடைக்கப் பெற்ற அசையா சொத்துக்கள் உள்ளன. ஆகையால் எதிர்மனுதாரர் மனுதாரருக்கு மதுரை கூடுதல் மகிளா நீதிமன்றத்தில் DVC No.33/2020 வழக்கில் இடைக்கால நிவாரணமாக ரூ.7,000/- செலுத்தி வருவதால் எதிர்மனுதாரர் மனுதாரருக்கு இவ்வழக்கில் ஜீவனாம்சம் எதுவும் வழங்கத் தேவையில்லை என்று இந்நீதிமன்றம் இப்பிரச்சினைக்கு தீர்வு காண்கிறது.”

5. He would submit that the above finding, viz.,

a) Take home salary is only Rs.24,412/-

b) Respondent's monthly expenditure is about Rs.45,000/-

c) EMI towards repayment of home appliances is about Rs. 15,000/- to Rs.20,000/-

d) medical expenses of his mother.

The finding that a person with a take home salary of Rs.24,412/- would have to expend more than Rs.60,000/- every month appears improbable.

He would then submit that respondent is presently earning a salary of Rs.80,922/-. Learned Senior Advocate would submit that this information pertains to January 2024, and he is not certain whether any



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increment has been granted thereafter. Be that as it may, the fact remains that Respondent was earning at least Rs.80,000/- per month.

5.1. Learned Senior Advocate would further submit that Petitioner is a B.A. graduate and, prior to her marriage, was employed with a company known as SACS in the year 2005. She had quit her employment with a view to ensuring that the marriage, which was an inter-caste and inter-religious marriage, proceeded smoothly. It is submitted that she has not been able to secure employment thereafter.

6. It is also submitted by learned Counsel for Respondent that the affidavit of assets and liabilities have not been submitted in compliance with the order of Supreme Court in the case of ***Rajnesh Vs Neha and another*** reported in ***2020 STPL 6949 SC***, wherein the following has been held to constitute the criteria for determining quantum of maintenance:

“III Criteria for determining quantum of maintenance

77. The objective of granting interim / permanent alimony is to ensure that the dependant spouse is not reduced to destitution or vagrancy on account of the failure of the marriage, and not as a punishment to the other spouse.



There is no straitjacket formula for fixing the quantum of maintenance to be awarded.

78. The factors which would weigh with the Court inter alia are the status of the parties; reasonable needs of the wife and dependant children; whether the applicant is educated and professionally qualified; whether the applicant has any independent source of income; whether the income is sufficient to enable her to maintain the same standard of living as she was accustomed to in her matrimonial home; whether the applicant was employed prior to her marriage; whether she was working during the subsistence of the marriage; whether the wife was required to sacrifice her employment opportunities for nurturing the family, child rearing, and looking after adult members of the family; reasonable costs of litigation for a non-working wife.

79. In Manish Jain v Akanksha Jain 34 this Court held that the financial position of the parents of the applicant-wife, would not be material while determining the quantum of maintenance. An order of interim maintenance is conditional on the circumstance that the wife or husband who makes a claim has no independent income, sufficient for her or his support. It is no answer to a claim of maintenance that the wife is educated and could support herself. The court must take into consideration the status of the parties and the capacity of the spouse to pay for her or his support. Maintenance is dependent upon factual



situations; the Court should mould the claim for maintenance based on various factors brought before it.

80. On the other hand, the financial capacity of the husband, his actual income, reasonable expenses for his own maintenance, and dependant family members whom he is obliged to maintain under the law, liabilities if any, would Refer to Jasbir Kaur Sehgal v District Judge, Dehradun & Ors. (1997) 7 SCC 7. Refer to Vinny Paramvir Parmar v Paramvir Parmar (2011) 13 SCC 112.(2017) 15 SCC 801. be required to be taken into consideration, to arrive at the appropriate quantum of maintenance to be paid. The Court must have due regard to the standard of living of the husband, as well as the spiralling inflation rates and high costs of living. The plea of the husband that he does not possess any source of income ipso facto does not absolve him of his moral duty to maintain his wife if he is able bodied and has educational qualifications.

(81) A careful and just balance must be drawn between all relevant factors. The test for determination of maintenance in matrimonial disputes depends on the financial status of the respondent, and the standard of living that the applicant was accustomed to in her matrimonial home.

82. The maintenance amount awarded must be reasonable and realistic, and avoid either of the two extremes i.e. maintenance awarded to the wife should neither be so extravagant which becomes oppressive and unbearable for



the respondent, nor should it be so meagre that it drives the wife to penury. The sufficiency of the quantum has to be adjudged so that the wife is able to maintain herself with reasonable comfort.

(83) Section 23 of HAMA provides statutory guidance with respect to the criteria for determining the quantum of maintenance. Sub-section (2) of Section 23 of HAMA provides the following factors which may be taken into consideration : (i) position and status of the parties, (ii) reasonable wants of the claimant, (iii) if the petitioner/claimant is living separately, the justification for the same, (iv) value of the claimant's property and any income derived from such property, (v) income from claimant's own earning or from any other source.

(84) Section 20(2) of the D.V. Act provides that the monetary relief granted to the aggrieved woman and / or the children must be adequate, fair, reasonable, and consistent with the standard of living to which the aggrieved woman was accustomed to in her matrimonial home.

(v) The Delhi High Court in Bharat Hedge v Smt. Saroj Hegde³⁷ laid down the following factors to be considered for determining maintenance :

- “1. Status of the parties.*
- 2. Reasonable wants of the claimant.*
- 3. The independent income and property of the claimant.*



4. *The number of persons, the non-applicant has to maintain.*
5. *The amount should aid the applicant to live in a similar lifestyle as he/she enjoyed in the matrimonial home.*
6. *Non-applicant's liabilities, if any.*
7. *Provisions for food, clothing, shelter, education, medical attendance and treatment etc. of the applicant.*
8. *Payment capacity of the non-applicant.*
9. *Some guess work is not ruled out while estimating the income of the non-applicant when all the sources or correct sources are not disclosed.*
10. *The non-applicant to defray the cost of litigation.*
11. *The amount awarded u/s 125 Cr.PC is adjustable against the amount awarded u/ 24 of the Act. 17.”*

6.1. The above view has been reiterated and affirmed yet again recently by the Supreme Court in the case of ***Aditi Alias Mithi vs Jitesh Sharma*** reported in **2023 INSC 981**, wherein it has been held that the need to comply with the above directions has been emphasized. Relevant portion of the order is extracted hereunder:

*“8. The manner in which maintenance payable under Section 24 of the Hindu Mariage Act, 1955 or Section 125 Cr.P.C. is to be assessed, was considered by this Court in its celebrated judgment in **Rajnesh v. Neha and Another**, (2021) 2 SCC 324. Detailed*



guidelines were issued. It was noticed that the terms of maintenance are decided on the basis of pleadings of parties and on the basis of some amount of guess work. It is often seen that both the parties submit scanty material and do not disclose correct details. The tendency of the wife is to exaggerate her needs, whereas the husband tends to conceal his actual income. Keeping that in view, this Court laid down the procedure to streamline grant of maintenance. The judgments of various courts were referred to and response from various State Legal Services Authorities was sought. This Court even requested the National Legal Services Authority to submit a report on the suggestions received from the State Legal Services Authorities for framing guidelines on the affidavit of disclosure of assets and liabilities to be filed by the parties. Guidelines were issued in exercise of powers under Article 136 read with Article 142 of the Constitution of India, prescribing a uniform format of Affidavit of Disclosure of Assets and Liabilities to be filed in maintenance proceedings. The judgment was delivered on 04.11.2020. The affidavit was to be submitted in all maintenance proceedings including pending proceedings. The directions given are extracted as under:

“72. Keeping in mind the need for a uniform format of Affidavit of Disclosure of Assets and Liabilities to be filed in maintenance proceedings, this Court considers it necessary to frame guidelines in exercise of our powers



under Article 136 read with Article 142 of the Constitution of India:

72.1. (a) The Affidavit of Disclosure of Assets and Liabilities annexed at Enclosures I, II and III of this judgment, as may be applicable, shall be filed by the parties in all maintenance proceedings, including pending proceedings before the Family Court/District Court/Magistrate's Court concerned, as the case may be, throughout the country;

72.2. (b) The applicant making the claim for maintenance will be required to file a concise application accompanied with the Affidavit of Disclosure of Assets;

72.3. (c) The respondent must submit the reply along with the Affidavit of Disclosure within a maximum period of four weeks. The courts may not grant more than two opportunities for submission of the Affidavit of Disclosure of Assets and Liabilities to the respondent. If the respondent delays in filing the reply with the affidavit, and seeks more than two adjournments for this purpose, the court may consider exercising the power to strike off the defence of the respondent, if the conduct is found to be wilful and contumacious in delaying the proceedings [Kaushalya v. Mukesh Jain, (2020) 17 SCC 822 : 2019 SCC OnLine SC 1915] . On the failure to file the affidavit within the prescribed time, the Family Court may proceed to decide the application for maintenance on the basis of



the affidavit filed by the applicant and the pleadings on record;

72.4. (d) The above format may be modified by the court concerned, if the exigencies of a case require the same. It would be left to the judicial discretion of the court concerned to issue necessary directions in this regard.

72.5. (e) If apart from the information contained in the Affidavits of Disclosure, any further information is required, the court concerned may pass appropriate orders in respect thereof.

72.6. (f) If there is any dispute with respect to the declaration made in the Affidavit of Disclosure, the aggrieved party may seek permission of the court to serve interrogatories, and seek production of relevant documents from the opposite party under Order 11 CPC. On filing of the affidavit, the court may invoke the provisions of Order 10 CPC or Section 165 of the Evidence Act, 1872, if it considers it necessary to do so. The income of one party is often not within the knowledge of the other spouse. The court may invoke Section 106 of the Evidence Act, 1872 if necessary, since the income, assets and liabilities of the spouse are within the personal knowledge of the party concerned.

72.7. (g) If during the course of proceedings, there is a change in the financial status of any party, or there is a change of any relevant circumstances, or if some new



information comes to light, the party may submit an amended/supplementary affidavit, which would be considered by the court at the time of final determination.

72.8. (h) The pleadings made in the applications for maintenance and replies filed should be responsible pleadings; if false statements and misrepresentations are made, the court may consider initiation of proceeding under Section 340 CrPC, and for contempt of court.

72.9. (i) In case the parties belong to the economically weaker sections (“EWS”), or are living below the poverty line (“BPL”), or are casual labourers, the requirement of filing the affidavit would be dispensed with.

72.10. (j) The Family Court/District Court/Magistrate's Court concerned must make an endeavour to decide the IA for interim maintenance by a reasoned order, within a period of four to six months at the latest, after the Affidavits of Disclosure have been filed before the court.

72.11. (k) A professional Marriage Counsellor must be made available in every Family Court.”

However, no affidavit of assets and liabilities had been filed by petitioner/respondent, thus impugned order suffers from non-compliance with the directions of the Supreme Court in *Rajnesh Vs. Neha and another* and *Aditi Alias Mithi vs Jitesh Sharma* referred supra, thus liable to be set aside.



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7. An interim arrangement was arrived at when the matter was heard on merits, wherein both parties agree that, in addition to Rs.7,000/-, a further sum of Rs.8,000/- shall be paid. However, when the matter was posted for orders and taken up again post-lunch, certain additional demands are raised by Respondent for the return of certain articles, some of which have already been pledged by Petitioner.

8. In view of the above, this Court is inclined to dispose of this case directing the Respondent to pay an additional sum of Rs.8,000/- to Petitioner [Total Rs.7,000+Rs.8,000 = Rs.15,000/-] to Petitioner, until the matter is finally disposed of. It is made clear that this arrangement is purely interim in nature and is intended only to ensure that Petitioner, who is stated to be in penury, does not suffer any further hardship during pendency of the maintenance proceedings, which shall be decided afresh on merits.

9. This interim arrangement is agreed to by both parties without prejudice to their respective rights and contentions.



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10. Accordingly, the impugned order dated 09.12.2024 passed by Family Court, Madurai, in M.C.No.71 of 2020, is set aside and the matter is remanded back for fresh consideration.

11. Both Petitioner and Respondent shall file affidavits disclosing their respective assets and liabilities, along with all relevant supporting documents, within the time stipulated by the Trial Court. The Trial Court is directed to dispose of the matter as expeditiously as possible, preferably within a period of six months.

12. In the result, Criminal Revision Case is **disposed of** on the above terms. There is no order as to costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Nsr

24.02.2026

To:

1.The Family Court, Madurai.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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MOHAMMED SHAFFIQ, J.

Nsr

Order made in
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