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CRP.No.1610 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B. BALAJI

CRP.No.1610 of 2025

and

CMP.No.9318 of 2025

K.Srinivasan

...Petitioner

Vs.

S.Bharathi

...Respondent

Civil Revision Petition filed under Article 227 of Constitution of India, seeking to set aside the order in Crl.MP.No.986 of 2023 in DVC.No.27 of 2023 passed by the Hon'ble Additional Mahila Court, Egmore, Chennai dated 06.01.2025.

For Petitioner : Mr.A.Mohamed Ismail

For Respondent : Mr.M.V.S.Naveen Kumar

ORDER

Heard the learned counsel on either side.



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2. The petitioner is the husband who has come up with the present revision challenging the order dated 06.01.2025 made in CrI.MP.No.986 of 2023 in DVC.No.27 of 2023 on the file of the Additional Mahila Court, Egmore, Chennai, in and by which, the trial court has awarded a sum of Rs.20,000/- towards total maintenance.

3. Learned counsel for the petitioner states that the petitioner/ husband is totally incapacitated and bound to a wheelchair and he is not in a position to pay any maintenance as ordered by the trial court. However, the learned counsel submits that if the maintenance amount awarded by the trial court is reduced to Rs.10,000/-, atleast, the petitioner would be in a position to attempt to settle the said amount.

4. Further, the learned counsel for the petitioner brought to notice of this Court that a sum of Rs.10,00,000/- has been paid through bank mode and a sum of Rs.11,00,000/- has been paid by cash, towards full and final settlement of the maintenance claims of the respondent and the daughters, both of whom are majors as on date. Further, one of the daughters has already completed her education and one of the daughters



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alone is undergoing her UG course. Therefore, the maintenance awarded by the Trial court, without considering the payment of Rs.21,00,000/- made by the petitioner and not even referring to the contentions in that regard is wholly unsustainable and deserves to be set aside.

5. Per contra, the learned counsel for the respondent submits that the payment of Rs.11,00,000/- is totally denied and no such payment was made by way of cash. Even in respect of the payment of Rs.10,00,000/-, it is contended that the said amount was voluntarily deposited by the petitioner in the bank account of the respondent, which has been utilised for setting the debts of the family and for meeting the educational expenses of the daughters. Further, both the daughters are still pursuing their higher studies and therefore, the maintenance amount claimed at the rate of Rs.40,000/- itself is reasonable. However, the learned Additional Mahila Court, Egmore has ordered only a sum of Rs.20,000/- (Rs.6,000/- to each of the daughters and Rs.8,000/- to the respondent/wife), which is very meagre.



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6. I have gone through the materials placed on record particularly the orders passed by the learned Additional Mahila Court, Egmore, Chennai.

7. Though a specific contention has been raised by the petitioner that a sum of Rs.21,00,000/- has been paid towards full and final settlement, the trial Court has not even addressed the said issue and has proceeded to fix the maintenance at total sum of Rs.20,000/-, deeming it just and reasonable for the major daughters and the wife.

8. The fact that the petitioner paid a sum of Rs.10,00,000/- is not in dispute. Infact, the respondent admits receipt of the said amount, though it is contended that the payment was made directly to the bank account of the respondent by the petitioner. However, having received a substantial sum of Rs.10,00,000/-, the said sum should be set of or taken into consideration while fixing the maintenance amount that is being awarded to the respondent/wife and the major daughters.



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10. With the above observations and directions, this Civil Revision Petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

23.07.2025

skt

Index : Yes / No
Speaking order : Yes / No
NCC : Yes / No

To

The Additional Mahila Court,
Egmore, Chennai.

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P.B. BALAJI, J.

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