



Crl.R.C.No.561 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.No.561 of 2025

Malliga

... Petitioner

Versus

Subbaiah

... Respondent

PRAYER: Criminal Revision Case is filed under Sections 438 and 442 of Criminal Procedure Code, 1973, to set aside the order dated 16.12.2024 passed in M.C.No.31 of 2022, on the file of the Judicial Magistrate No.2, Poonamallee, by allowing this Criminal Revision Case.

For Petitioner : Ms. R. Santhana Ishwarya,
for Mr. P. Raja

For Respondent : Mr. O.G. Dhillip Roshan,
for Mr. C.R. Malarvannan

ORDER

This revision has been preferred against the order dated 16.12.2024 passed in M.C.No.31 of 2022 on the file of the Judicial Magistrate No.2, Poonamallee, wherein a sum of Rs.5,000/- was ordered as monthly interim maintenance payable by the respondent in favour of the petitioner.

2. The brief facts of the case is that the petitioner got married with



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the respondent on 02.02.1998 as per the Hindu rites and gave birth two children. The elder son has completed his studies and is working as an engineer, while the younger son is still pursuing his education. Due to misunderstandings between the petitioner and the respondent, the respondent ceased to maintain the family. Although the petitioner and the respondent continue to reside under the same roof, the respondent has failed to maintain the family. Therefore, the petitioner filed a maintenance petition under Section 125 of the Cr.P.C., seeking interim maintenance of Rs.30,000/- per month from the respondent. After considering the facts and circumstances of the case, the Trial Court ordered a sum of Rs.5,000/- per month as interim maintenance in favour of the petitioner, payable by the respondent from the date of that order. Aggrieved by the said order, the petitioner has filed the present revision.

3. The learned counsel for the petitioner submitted that the respondent is employed in Fire Service Department and draws a monthly salary of more than Rs.50,000/-, but, he is paying only a sum of Rs.1,000/- per month for the entire maintenance of the family. Though the first son is working as an engineer, he had obtained an educational loan, and his entire income is being utilized to repay the loan. Without considering these facts, the Trial Court miserably awarded only a sum of Rs.5,000/- as interim maintenance.

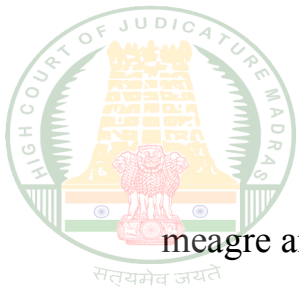


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4. Per contra, the learned counsel for the respondent submitted that the respondent is indeed employed in the Fire Service Department, but receives a net salary of only around Rs.30,000/- per month. He has been maintaining the entire family needs and has no arrears in the payment of monthly maintenance to the petitioner. Further, it was contended by him that the petitioner is a tailor and earns through tailoring work. Therefore, the Trial Court awarded Rs.5,000/- per month as reasonable interim maintenance, and there is no ground to seek enhancement of interim maintenance.

5. Heard the learned counsel appearing on either sides and perused the materials available on record.

6. Admittedly, the respondent is working in the Fire Service Department and is earning more than Rs.50,000/- per month. However, there is no evidence to show that the petitioner is earning through tailoring work or to show the extent of such income. In fact, when the petitioner's father was alive and he used to help her from his pension, is now, died and as such, she has not received any financial support from her parental family. Though the petitioner is residing in the matrimonial home, the maintenance of Rs.5,000/- is very



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meagre and it is insufficient to the petitioner to run her family's daily needs.

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7. In view of the above, this Court is inclined to enhance the interim maintenance from Rs.5,000/- to Rs.7,500/- per month. However, the respondent is directed to pay the enhanced monthly interim maintenance starting from the month of August 2025.

8. Accordingly, the order dated 16.12.2024 made in M.C.No.31 of 2022, passed by the Judicial Magistrate No.2, Poonamallee, is modified as indicated above, and this Criminal Revision Case is partly allowed.

29.07.2025

Speaking / Non-Speaking Order
Neutral Case Citation : Yes/No
Index : Yes/No

klt

To

1. The Judicial Magistrate No.2, Poonamallee.



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G.K.ILANTHIRAIYAN, J.

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