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CRL RC No. 2266 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 06-11-2025**

CORAM

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**CRL RC No. 2266 of 2025**

**AND**

**CRL MP NO. 20705 OF 2025**

J.Samuel Vijayapathy

S/O.S.Jacob B. Ponnusamy Jayakumar,

Door No. 12/897M2, 31st Street,

Rahamath Nagar, Palayankottai,

Thirunelveli 627 002.

Petitioner(s)

Vs

1. S.Gnanasulakshana

Residing at Door No. 21/65,

Brindhavan Circle, Kuniamuthur,

Coimbatore 641 008

2.Minor Evangelin Louizah

Residing at Door No. 21/65,

Brindhavan Circle, Kuniamuthur,

Coimbatore 641 008.

3.Minor Mitchell Jacob

(Minor 2 and 3 are rep by their Mother/

Natural Guardian S. Gnanasulakshana)

Residing At Door No. 21/65,

Brindhavan Circle, Kuniamuthur,

Coimbatore 641 008

Respondents



**PRAYER:** This Criminal Revision case has been filed under Section 397 r/w 401 of Cr.P.C, to call for records and set aside the order dated 15.09.2021 passed in M.C.No.224 of 2018 passed by the Court of the learned Judge, Additional Family court at Coimbatore.

For Petitioner(s): Ms. Amudha

For Respondent(s): Mr.M.Sabari Rajan

### **ORDER**

This Criminal Revision Case has been filed to set aside the order dated 15.09.2021 in M.C.No.224 of 2018 passed by the Additional Principal Family Court, Coimbatore. The learned Judge has ordered maintenance of Rs.15,000/- per month to the respondents, the petitioner before this Court.

2. The case of the petitioner is that the marriage between the petitioner/husband and the 1st respondent/wife was solemnized on 12.02.2010 at CSI Nalmeyyappar Church, Palayamkottai, Tirunelveli. Out of wedlock, 2 children were born to them. Due to some misunderstanding, the petitioner and the 1st respondent was living separately from the year 2012 onwards. Thereafter, the 1st respondent/wife has filed a maintenance case under Section



125 (1)(a)(b) of Cr.P.C., in M.C.No.224 of 2018 on the file of learned Additional Principal Family Court, Coimbatore, claiming a maintenance amount of Rs.35,000/- per month. After adjudication, the trial Court has passed an order on 15.09.2021, directing the petitioner to pay a sum of Rs.5,000/- as maintenance per month to each of the respondents, in total a sum of Rs.15,000/- per month to the respondents from the date of filing of the maintenance petition; and the petitioner was also directed to pay the arrears of said maintenance, within a period of two months and to pay the monthly maintenance on or before the 5th day of every English calendar month. Aggrieved by the same, the petitioner has filed the present petition.

3. The learned counsel for the petitioner submitted that the maintenance amount of Rs.15,000/- per month awarded by the trial court in favour of the respondents is highly excessive and the same was ordered by the trial court without taking into consideration the financial capacity of the petitioner and he seeks modification of the said order.



4. The learned counsel appearing for the respondents submitted that, the trial court, after considering all the relevant documents placed before it, has awarded a maintenance of Rs.15,000/- per month in favour of the respondents, which is just and reasonable, which needs no interference. Accordingly, he prays for dismissal of this petition.

5. Heard both sides and perused the materials available on record.

6. There is no dispute about the marriage between the petitioner and the 1st respondent. The 1st respondent is the wife and out of their wedlock, they were blessed with two children. It is to be pointed out that it is the duty of the husband to maintain his wife and child and the comforts, which were available to the spouse and child should not be lost due to the friction between the warring parties. Only to that end, Section 125 Cr.P.C. was brought into the statute. In such a backdrop, it becomes the duty of the husband to maintain his wife and child.

7. On perusal of the records reveals that though the petitioner submits that



he is unable to pay monthly maintenance of Rs.15,000/- per month, on account of his financial capacity, no evidence/proof was adduced before the trial Court to substantiate the same. In such circumstances, this Court is of the view that, after considering all the oral and documentary evidence, the trial court has awarded just and reasonable amount of maintenance in favour of the respective respondents. However, considering the submissions made by the learned counsel for the petitioner and also the earning of the petitioner/husband, this Court fixes a sum of Rs.12,000/- per month as maintenance in favour of the respondents payable by the petitioner/husband as under:

(i) The petitioner is directed to pay maintenance of Rs.12,000/- per month on or before the 5<sup>th</sup> day of every English calendar month until further modification;

(ii) The petitioner is also directed to pay the arrears of maintenance to the respondents from the date of filing of maintenance petition till November 2025 (if not already paid), within a period of four weeks from the date of receipt of a copy of this order.



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8. With the above terms, the Criminal Revision Case stands **allowed**.

Consequently, connected Miscellaneous Petition is closed.

**06-11-2025**

Jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Additional Principal Family Court, Coimbatore.

2. The Public Prosecutor,  
Madras High Court, Chennai.



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**T.V.THAMILSELVI J.**

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