



WEB COPY

CRL RC No. 1900 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CRL RC No. 1900 of 2025
and Crl.M.P.No.18388 of 2025**

1. B.K.Kathiravan
S/o.Lat Balakrishnan, Door No.7/10A,
Gandhipuram 2nd Street, Moolapatarai, Erode -
600 003

Petitioner(s)

Vs

1. Malathi
W/o.B.K.Bathiravan, Door No.7/10A,
Gandhipuram 2nd Street, Moolapatarai, Erode -
600 003

Respondent(s)

PRAYER

Criminal Revision Case filed under Section 438 read with 442 of BNSS praying to set aside the order passed by the Learned Judge, Family Court, Erode, in MC.No.60 of 2016 dated 06.02.2025.

For Petitioner(s): Ms.S.Karpagapriya

For Respondent(s): Mr.K.Venkateswaran

ORDER

This Criminal Revision Case has been filed praying to set aside the order passed by the Learned Judge, Family Court, in MC.NO.60 of 2016 dated 06.02.2025.



2. The respondent herein is the petitioner in MC.No.60 of 2016. She along with her minor son preferred the said maintenance case under Section 125 Cr.P.C., against the petitioner/husband claiming maintenance of Rs.30,000/- each for her and her son.

3. In the petition in M.C.No.60 of 2016, it is averred by the petitioner/wife that F.C.O.P.No.276 of 2016 has been filed by her husband/respondent and she has been harassed by her husband. It is further stated that her two sons are in college hostel and studying and she and her two sons have no one to take care of and put to lot of financial difficulties. She further stated that her husband is well off and having sufficient earnings and therefore, sought Rs.30,000/- each for her and her minor son to meet out food, clothing and medical expenses.

4. The respondent/husband in the counter, alleged that petitioner/wife is doing money lending business and earning not less than Rs.50,000/- per month and raised false allegations against him and claiming maintenance, but he is regularly paying college fees for his sons. He further stated that he is getting salary of Rs.11,928/- only, after deductions. The petitioner/wife has given false complaint before the Police resulting in the registration of FIR in Crime No.612 of 2016 and therefore, he could not go to his office and thereby, not getting



salary. Further, he has to take care of his ailing mother and grandmother. Since the divorce petition filed by him is pending, he is not in a position to pay maintenance and the petition filed by the wife seeking maintenance is with an intention to protract the proceedings.

5. On the side of petitioner/wife P.W.1 to P.W.3 were examined and exhibits P.1 to P.4 were marked. On the side of respondent/husband, he was examined as D.W.1 and documents Ex.D.1 to D.68 were marked.

6. The learned Judge, Family Court, on perusal of averments, counter and evidence let in by both sides, found that respondent/husband was getting salary of Rs.93,724 as per May, 2023 salary slip and the take home after deduction was Rs.49,140/-. Further, taking into account the rental income the respondent is getting from the tenants for the 3 houses, the learned Judge, directed the respondent to pay Rs.15,000/- towards food, clothing and medical expenses of the 1st petitioner from the date of petition upto her life time or her remarriage and Rs.5000/- for the 2nd petitioner/minor son until he reaches the age of adulthood and further directed to pay the said amount i.e., Rs.20,000/- in total before 5th of every English calendar month.

7. Aggrieved by the above said direction, the respondent/husband filed



this criminal revision case, contending that the learned Judge did not consider the financial strain borne by the petitioner who is obligated to pay substantial EMIs towards loans and burdened with responsibility of caring for his aged mother.

8. The learned counsel for the petitioner would submit that the revision petitioner has no savings or financial reserves and due to vindictive litigation by the respondent/wife, he is having financial burden and due to mental agony caused by his wife, he is unable to pay the maintenance amount as ordered by the trial court and sought to set aside the order passed in M.C.No.60 of 2016.

9. By way of reply, the learned counsel for the respondent/wife would submit that the order passed by the trial court is just and reasonable and prayed to dismiss the Criminal Revision filed by the husband.

10. Heard both sides and perused the records.

11. At the time of admission of this criminal revision case, this court by order dated 06.10.2025, ordered notice to the respondent and directed the petitioner to deposit a sum of Rs.5,00,000/- [Rupees Five Lakhs] as part of arrears of maintenance into the credit of petition in M.C.No.60 of 2016 within



six weeks and further directed the petitioner to pay a sum of Rs.15,000/- as interim maintenance on or before 10th of every English Calendar month until it is modified by the court and the matter was directed to be posted today i.e.13.11.2025.

12. Today when the matter is called, learned counsel for the revision petitioner would submit that due to financial constraints, the petitioner was not able to comply with the conditional order and sought to modify the order passed in M.C.No.60 of 2016.

13. The Hon'ble Apex Court in the decision of *Rajnesh vs. Neha and Another (2021) 2 SCC 324* has held that the husband is bound to provide maintenance allowance to his wife and children which may be upto 25% of his monthly income. Therefore, on going through the entire facts of the case, this court did not find any ground to interfere with the order passed by the Trial Judge. Accordingly, the findings and the direction of the trial Judge passed in M.C.No.60 of 2016 dated 06.02.2025 is confirmed. Accordingly, this Criminal Revision case is dismissed. Connected MP is closed.

13-11-2025

Neutral Citation: Yes/No
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T.V.THAMILSELVI J.

nvsri

To

- 1.The Judge, Family Court, Erode.
- 2.The Section Officer, V.R.Section.

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