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C.R.P.No.3809 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

C.R.P.No.3809 of 2024

and

CMP.No.20894 of 2024

C.Nandha Kumar

... Petitioner

Vs.

1. T.Praveena

2. Minor Tansy

Rep. by her mother

... Respondents

Civil Revision Petition filed under Section 115 of CPC, to set aside the order in C.A.No.39 of 2022 passed by the II Additional District and Sessions Judge, Erode on 04.09.2023.

For Petitioner : Mr.S.Marimuthu,
for M/s.J.C.Associates

For Respondents : Mr.M.Karthik
for Mr.J.Titus Enock



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ORDER

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Heard the learned counsel for the revision petitioner and the learned counsel for the respondents.

2. The revision petitioner challenges the order dated 04.09.2023 passed in C.A. No.39 of 2022 on the file of the learned II Additional District and Sessions Judge, Erode, whereby maintenance of Rs.75,000/- each was awarded to the wife and the minor daughter of the petitioner.

3. The learned counsel for the petitioner would submit that the learned Judicial Magistrate, Additional Mahila Court, Erode, dismissed the Domestic Violence Case in D.V.C. No.6 of 2021 filed by the respondents, holding that no domestic violence, much less any act of violence, had been established and consequently the respondents were not entitled to any maintenance. However, the learned II Additional District and Sessions Judge, Erode, by judgment and decree dated 04.09.2023, while confirming the dismissal of the Domestic Violence Complaint and the rejection of the protection orders, proceeded to set aside the disallowance of the maintenance/compensation claim and awarded a sum of Rs.75,000/- each to the wife and minor daughter of the petitioner.

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4. The learned counsel for the petitioner would further submit that

there is absolutely no evidence on the side of the respondents warranting the award of Rs.75,000/- each. He would draw my attention to the findings of the learned Judicial Magistrate, Additional Mahila Court, Erode, who has clearly held that the respondents are not entitled to any compensation under Section 22 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as “the Act”). He also refers to the judgment of the II Additional District and Sessions Judge, Erode. The learned counsel would further submit that the wife of the petitioner is running a chemical industry, earning substantial income, and owns valuable immovable properties, and therefore is capable of maintaining herself and her minor child. It is also submitted that the petitioner is presently unemployed and is not in a position to pay any compensation.

5. Per contra, the learned counsel for the respondents would submit that there is no infirmity in the impugned judgment directing maintenance to the respondents, who are the wife and minor daughter of the petitioner. It is submitted that the first respondent is a housewife and does not have any business income as alleged, and that it is incorrect to contend that the

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petitioner is unemployed. Hence, he prays for dismissal of the Civil
Revision Petition.

6. I have carefully considered the submissions of the learned counsel appearing on either side.

7. The learned Judicial Magistrate, Additional Mahila Court, Erode, after recording evidence, concluded that the reliefs sought under the Act were not bona fide and proceeded to disentitle the respondents to any relief under the Act. However, the learned II Additional District and Sessions Judge, Erode, in C.A. No.39 of 2022, while confirming the rejection of the domestic violence allegations, set aside the disallowance of maintenance/compensation and awarded Rs.75,000/- each to the wife and minor daughter.

8. On a perusal of the judgment of the learned II Additional District and Sessions Judge, Erode, it is seen that the learned Judge has found that there is no evidence on the side of the respondents to establish the income of the petitioner. Equally, there is no evidence produced by the petitioner.

However, in the absence of any compelling material, the learned Judge



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ought not to have directed the petitioner to pay a sum of Rs.75,000/- each to the respondents. The award of maintenance is thus unsupported by evidence and is liable to be interfered with.

9. At the same time, considering that the second respondent is a minor daughter aged about 15 years, the petitioner is obligated to maintain her. Section 20(1) of the Act empowers the Magistrate to grant monetary relief not only to meet the expenses incurred and the losses suffered by the aggrieved person and any child of the aggrieved person as a result of domestic violence, but such monetary relief is not limited to the actual loss of earnings, medical expenses or the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person (wife) in the present case. It also includes maintenance for the aggrieved person (wife) as well as her child (second respondent), including an order under, or in addition to, an order of maintenance under Section 125 Cr.P.C. or any other law for the time being in force. Section 20(2) further mandates that such monetary relief shall be adequate, fair, reasonable, and consistent with the standard of living to which the aggrieved person is accustomed. The learned Magistrate is vested with the power to order an appropriate lump sum payment or monthly

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payments of maintenance, as the nature and circumstances of the case may require.

10. In exercise of the powers available under Section 20 of the Act, and considering the age and needs of the minor child, I am inclined to modify the judgment dated 04.09.2023 in C.A. No.39 of 2022, in the following manner:-

(i) The award of maintenance in favour of the first respondent wife is set aside.

(ii) Insofar as the minor daughter is concerned, the petitioner shall pay a sum of Rs.20,000/- per month towards her maintenance from January 2026 onwards.

(iii) As regards arrears, the petitioner shall pay the same at the rate of Rs.10,000/- per month within a period of twelve weeks.

(iv) It is made clear that this order shall not preclude the respondents from seeking appropriate interim or further maintenance before the competent Family Court or Magistrate under Section 125 Cr.P.C., if the amount awarded herein is insufficient for their sustenance.



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11. In the result, this Civil Revision Petition is partly allowed in the above terms. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

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

The II Additional District and Sessions Judge, Erode.



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P.B.BALAJI, J.

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