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CRP No.3772 of 2025



DATED: 19-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No.3772 of 2025 and
CMP No.20059 of 2025**

Venkatesh @ Venkatachalam

... Petitioner(s)

Vs.

Kavitha

... Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal order passed in I.A.No.1 of 2023 in HMOP No.3 of 2016 on the file of Sub Court, Sankari, dated 22.04.2025.

For Petitioner(s): Mr.C.Kulanthaivel

For Respondent(s) : Mr.B.Syed Abdul Wakeel
for Mr.R.G.Rohit

ORDER

This civil revision petition is filed challenging the order passed by the



court below, directing the petitioner/ husband to pay maintenance at Rs.10,000/- per month to the respondent/ wife.

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2. The petitioner herein filed original petition seeking dissolution of the marriage solemnized between him and the respondent. Pending OP, the respondent filed a petition seeking fixation of interim maintenance. The court below, fixed interim maintenance at Rs.3,000/- per month. Thereafter, the respondent filed I.A.No.1 of 2023 seeking enhancement of interim maintenance from Rs.3,000/- to Rs.25,000/- per month. The said application was partly allowed and the interim maintenance was enhanced to Rs.10,000/- per month. Aggrieved by the said order, the petitioner /husband has come before this court.

3. The learned counsel for the petitioner would submit that while passing impugned order, the court below failed to take into consideration that the petitioner has been paying a sum of Rs.5,000/- per month to the respondent, as per the order passed by the Criminal Court in M.C.No.8 of 2017, apart from the



interim maintenance awarded by the Trial Court. He further submitted that the respondent has not pleaded any change of circumstances for enhancement of

maintenance amount. Therefore, the order passed by the court below, enhancing the interim maintenance to Rs.10,000/- is untenable in law.

4. The learned counsel for the respondent/wife submitted that the court below fixed interim maintenance at Rs.10,000/-, taking into consideration the respective status of the parties and therefore, the said order passed by the Trial Court need not be interfered with.

5. It is not in dispute that the respondent filed maintenance application under Section 125 of Cr.P.C. in M.C.No.8 of 2017 and the petitioner has been paying a sum of Rs.5,000/-, as per the order passed by the criminal court. Apart from the said amount, the petitioner herein was directed to pay a sum of Rs.3,000/- per month, as per the earlier order passed by the Sub Court, Sankari in I.A.No.186 of 2016 in HMOP No.8 of 2016, filed under Section 24 of Hindu Marriage Act. Now, the instant application in I.A.No.1 of 2023 has



been filed by the respondent/wife seeking enhancement of interim maintenance.

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6. In the affidavit filed in support of the said I.A.No.1 of 2023, it is stated by the respondent/wife that the petitioner is running 5 milk tanker lorries and supplying milk to various persons and earning a sum of Rs.5,00,000/- per month. It is also stated by the respondent that she has to support her aged parents and therefore, the petitioner shall be directed to pay enhanced interim maintenance at Rs.25,000/- per month.

7. It is not in dispute that earlier, the court below, fixed interim maintenance at Rs.3,000/- per month. The said order has not been challenged by the respondent/wife by filing any revision before this court. Now the instant application has been filed seeking enhancement of interim maintenance. A perusal of the affidavit filed in support of the petition would indicate that the respondent has not pleaded any substantial change in the circumstances for enhancement of interim maintenance. Though it is stated by the respondent/wife that the petitioner is running 5 milk tanker lorries and earning



a sum of Rs.5,00,000/- per month, except the averment made in the affidavit,

no other documents have been produced before the court below to substantiate

the said contention. In the absence of any substantial change of circumstances,

the respondent/wife is not entitled to claim increase in the interim maintenance,

already fixed by the court. However, taking into consideration that the earlier

interim maintenance fixed at Rs.3,000/- p.m. was in the year 2020 and the

present inflation, this court is inclined to enhance the interim maintenance to

Rs.5,000/- per month.

8. Accordingly, this civil revision petition is partly allowed by directing the petitioner to pay a sum of Rs.5,000/- per month to the respondent as interim maintenance. There shall be no order as to costs. Connected miscellaneous petition is closed.

19.11.2025

Internet: yes

Index: Yes/No

Neutral citation: Yes/No

MST



CRP No.3772 of 2019



To

The Sub Court, Sankari.



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S.SOUNTHAR, J.

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