



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(NPD)(MD)No.1623 of 2025 & C.R.P.(PD)(MD).No.270 of 2024
and
C.M.P.(MD).No.1211 of 2024

C.R.P.(NPD)(MD).No.1623 of 2025

1.R.Ambritha

2.Minor K.Dhanvika

...Petitioners

(The second respondent is minor represented by her mother / first petitioner)

Vs.

1.C.Karthikeyan

2.R.Chandrasekaran

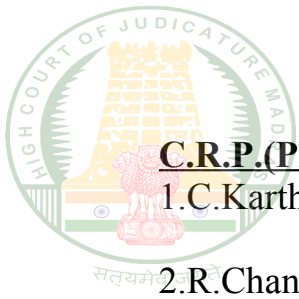
3.C.Akilandeswari

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records pertaining to the order made in Crl.A.No.7 of 2023 dated 12.10.2023 on the file of the learned VI Additional Sessions Judge, Madurai and set aside the same and enhance the interim maintenance amount.

For Petitioners : Mr.B.N.Raja Mohamed

For R-1 to R-3 : Mr.B.Jameel Arasu



C.R.P.(PD)(MD).No.270 of 2024

1.C.Karthikeyan

2.R.Chandrasekaran

3.C.Akilandeswari

...Petitioners

Vs.

1.R.Ambritha

2.Minor K.Dhanvika

...Respondents

(The second respondent is minor represented by her mother / first respondent)

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records and set aside the impugned order made in C.A.No.7 of 2023 dated 12.10.2023 on the file of the learned VI Additional Sessions Judge, Madurai, confirming the order in Crl.M.P.No.2712 of 2021 passed by the learned Judicial Magistrate, Additional Mahila Court, Madurai, dated 22.11.2022 and allow the above Civil Revision Petition.

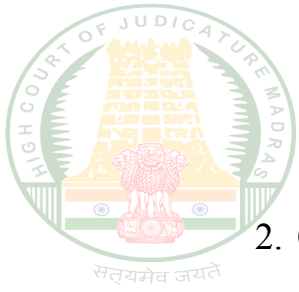
For Petitioners : Mr.B.Jameel Arasu

For R-1 & R-2 : Mr.B.N.Raja Mohamed

* * * * *

COMMON ORDER

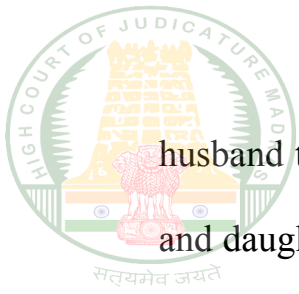
C.R.P.(PD)(MD).No.270 of 2024 has been filed seeking orders to set aside the impugned order made in C.A.No.7 of 2023, dated 12.10.2023, on the file of the learned VI Additional Sessions Judge, Madurai, confirming the order passed in Crl.M.P.No.2712 of 2021 passed by the learned Judicial Magistrate, Additional Mahila Court, Madurai, dated 22.11.2022.



2. C.R.P.(NPD)(MD).No.1623 of 2025 has been filed seeking orders to set aside the order made in CrI.A.No.7 of 2023, dated 12.10.2023, on the file of the learned VI Additional Sessions Judge, Madurai and set aside the same and enhance the interim maintenance amount granted.

3. The petitioners in C.R.P.(NPD)(MD).No.1623 of 2025 are the wife and daughter of the first petitioner, viz., C. Karthikeyan, in C.R.P.(PD)(MD).No.270 of 2024. The petitioners in C.R.P.(PD)(MD).No.270 of 2024 are the husband, father-in-law, and mother-in-law of the first petitioner in C.R.P.(NPD)(MD).No. 1623 of 2025. Hereinafter, the first petitioner in C.R.P.(NPD)(MD).No.1623 of 2025 shall be referred to as “the wife”, and the first petitioner in C.R.P.(PD)(MD).No.270 of 2024 shall be referred to as “the husband”.

4. The case of the petitioners is that the marriage between the husband and wife was solemnized on 30.03.2018, and thereafter, they were blessed with a female child, viz., K. Dhanvika, who is now studying in the first standard. Subsequently, due to matrimonial disputes between the husband and wife, the wife filed a domestic violence case in D.V.C. No.18 of 2021 on the file of the Additional Mahila Court (Judicial Magistrate), Madurai. In that proceeding, the wife and daughter filed a petition in CrI.M.P. No.2712 of 2021 seeking interim maintenance. The said petition was allowed on 22.11.2022, directing the



husband to pay a sum of Rs.7,000/- per month as maintenance for both the wife and daughter. Being not satisfied with the said order, the wife filed an appeal in

Crl.A. No.7 of 2023 before the learned VI Additional Sessions Judge, Madurai.

The said appeal was allowed, and the husband was directed to pay a sum of Rs.7,000/- per month each to his wife and daughter until the disposal of the main petition in D.V.C.No.18 of 2021. Challenging the order passed by the learned VI Additional Sessions Judge, Madurai, in Crl.A. No.7 of 2023 dated 12.10.2023, the husband and his parents filed C.R.P.(PD)(MD).No.270 of 2024. On the other hand, seeking enhancement of the interim maintenance granted by the learned VI Additional Sessions Judge, Madurai, the wife and her daughter filed C.R.P.(NPD)(MD).No.1623 of 2025 before this Court.

5. The learned counsel appearing for the wife would submit that, admittedly, the husband deserted the wife along with their child, and they are presently residing at her parental home in Madurai. The wife is unemployed and has to take care of herself and her daughter, who is studying in the first standard. He would further submit that the lower appellate Court did not award any amount towards the educational expenses of the child and has merely granted a sum of Rs.7,000/- per month each for both the wife and the child, which is very meagre. Accordingly, he prays for enhancement of the interim maintenance amount granted in favour of the wife and her daughter.



6. The learned counsel appearing for the husband would submit that the matrimonial dispute arose between the husband and wife on the ground that the wife insisted that the husband desert his parents and live separately with her, and also prevented him from taking care of his parents. Consequently, the matrimonial dispute arose, and the wife deserted the husband and began residing with her parents. In view of this desertion, the husband filed H.M.O.P. No.47 of 2024 seeking divorce before the learned III Additional Sub Court, Madurai. Prior to that, with malicious allegations, the wife and daughter filed a domestic violence case in D.V.C.No.18 of 2021 and in that proceeding, the wife and daughter filed a petition in Crl.M.P. No.2712 of 2021, in which the trial Court awarded Rs.7,000/- as maintenance, which is highly excessive. The amount was further enhanced by the lower appellate Court, which is also excessive. Accordingly, he prays that the order passed by the lower appellate Court be set aside.

7. Considering the facts and circumstances of the case, it is admitted that the wife and her daughter are living separately, and the daughter is studying in the first standard. Considering the fact that the wife and her daughter are living in Madurai Metropolitan City, the amount awarded is just and reasonable and does not warrant interference. Furthermore, the husband has admitted that he is employed in Kerala and is now earning Rs.35,000/- per month. In the absence of any income proof, it is necessary to follow the guidelines laid down by the



Hon'ble Supreme Court in the case of ***Rajnish v. Neha and Another***, reported in **(2021) 2 SCC 324**. In the present case, since the husband has admitted that

he earns Rs.35,000/- per month, this Court is of the view that the sum of Rs.7,000/- each awarded to the wife and daughter is meagre and deserves to be enhanced.

8. In view of the above discussion, both these Civil Revision Petitions stand dismissed. However, there shall be a direction to the learned Additional Mahila Judge (Judicial Magistrate), Madurai to dispose of D.V.C.No.18 of 2021 within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

11.06.2025

Internet: Yes/No
Index: Yes/No
TSG

To

- 1.The Judicial Magistrate, Additional Mahila Court, Madurai.
- 2.The VI Additional and Sessions Judge, Madurai.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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C.R.P.(NPD)(MD)No.1623 of 2025 & C.R.P.(PD)(MD).No.270 of 2024



M.DHANDAPANI, J.

TSG

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C.R.P.(PD).(MD).No.270 of 2024

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