



C.R.P.(PD)(MD)No.1666 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2025

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CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P(PD)(MD)No.1666 of 2025

1. Vijayalakshmi

2. Minor.Roshini

3. Minor.Kabilan

... Petitioners/Petitioners/
Petitioners

(Minor Petitioners 2 and 3 are
represented by their mother 1st
Petitioner)

Vs.

1. Jayapaul

2. Sundararajan

3. Rajammal

4. Megala

5. Sundarapandi

6. Amaravathi

7. Mayilkannan

8. Chalatchi

... Respondents/Respondents/
Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed in C.A.No.94 of 2023 on the file of the V Additional District and Sessions Judge, Madurai dated 11.12.2023 by confirming the order passed in DVC No.11 of 2014 on the file of the Judicial Magistrate, Melur, dated 23.04.2021 and allow this Civil Revision Petition.



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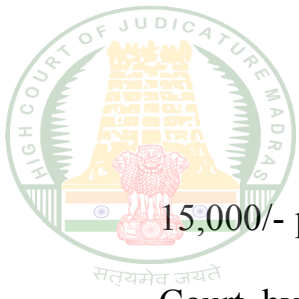
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For Petitioners : Mr.V.Meenakshi Sundaram
for Mr.J.Balameenakshi
For R1 and R2 : Mr.P.T.S.Narendravasan
For R3 to R5 : Unserved
For R7 and R8 : No appearance

ORDER

This Civil Revision Petition is filed challenging the order passed in C.A.No.94 of 2023 on the file of V Additional District and Sessions Judge, Madurai dated 11.12.2023 by confirming the order passed in DVC No.11 of 2014 on the file of the Judicial Magistrate, Melur, dated 23.04.2021.

2.The first petitioner is the wife of the first respondent and the second and third petitioners are the minor children of the first petitioner and the first respondent herein. The respondents 2 to 8 are the family members of the first respondent. The marriage of the first petitioner and the first respondent was solemnized on 06.01.2009 as per the Hindu customs and rights. Thereafter, they blessed with two children. Subsequently, there was a matrimonial dispute between the first petitioner and the first respondent. Thereby, the petitioner filed a domestic violence case as against the first respondent and other respondents in D.V.C.No.11 of 2014. The petitioners also filed an application, seeking interim maintenance in that domestic violence case and the said application was also allowed directing the first petitioner to pay a sum of Rs.



15,000/- per month. The said order of maintenance was reversed by the District Court by directing the first respondent to pay a sum of Rs.5,000/- towards maintenance. Thereafter, the domestic violence case was partly allowed, directing the respondents herein only to return the jewels of the first petitioner. Aggrieved by the said order, the petitioners filed an appeal in Crl.Appeal No.94 of 2021 seeking compensation. The said appeal was also dismissed. Challenging the same the petitioner has filed the present Civil Revision Petition.

3.The learned counsel for the petitioners submitted that the petitioners are ready to canvass all the grounds raised in this Civil Revision Petition in the maintenance case filed by the petitioners. He further submits that the first petitioner is not remarried, whereas, the first respondent has got married to someone. The first petitioner is unemployed and she has to take care of herself and her two minor children. Initially, the first respondent was directed to pay a sum of Rs.15,000/- per month towards monthly maintenance. Thereafter, it was modified as Rs.5,000/- per month in the domestic violence case. The first respondent was paying the monthly maintenance till the disposal of the domestic violence case. Thereafter, the first respondent has not paid any amount towards maintenance.



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4.The learned counsel for the petitioners further submits that the first respondent is employed in abroad and he is earning more than a sum of Rs.2 lakhs per month. However, the first respondent refused to pay any amount towards maintenance to the petitioners. Hence, he seeks to direct the first respondent to pay the monthly maintenance to the petitioners.

5.Per contra, the learned counsel for the first respondent submits that at the instance of the first petitioner, the passport of the first respondent was seized and after the dismissal of the domestic violence case, the passport of the first respondent was released. Only thereafter, the first respondent got employed in abroad recently. He further submits that till date, the first respondent is paying the monthly maintenance without any default. Further, the first petitioner is also employed and she is capable of maintaining herself and her children. Hence, he prays for appropriate orders.

5.Heard the learned counsel appearing on either side and perused the materials placed on record.

6.The facts in the present case are not in dispute. The relationship between the petitioners and the first respondent is also not disputed. Though



the first respondent claims that the first petitioner is employed and she is capable of maintaining herself and her children, there is no proof filed in that regard by the first respondent either before this Court or before the trial Court. Even otherwise, it is the duty cast upon the first respondent to maintain his children, namely, petitioners 2 and 3. The petitioners 2 and 3 are aged about 15 and 13 years, respectively. A meagre sum of Rs.5,000/- per month will not in any way be sufficient for maintaining two minor children.

7.Further, it is also undisputed that the first respondent, subsequently, got married and blessed with two children. For such reason, the second and third petitioners will not be neglected and the same is not sustainable. The lower Appellate Court failed to consider all these aspects.

8.Accordingly, this Civil Revision Petition is **disposed of** by directing the first respondent to pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) towards monthly maintenance to the second and third petitioners on or before 6th day of every succeeding English calendar Month commencing from August, 2025. The first respondent is also directed to deposit the entire arrears of monthly maintenance amount by calculating the monthly maintenance as Rs.15,000/- from 14.07.2014, being the date of disposal of the interim maintenance application to till date. The said amount shall be deposited in the



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name of the second and third petitioners in an interest bearing account in any one of the nationalized banks within a period of four weeks from the date of receipt of a copy of this order. In the event of non compliance of any one of the directions issued by this Court, the first petitioner is at liberty to file an appropriate application before the trial Court. There shall be no order as to costs.

07.07.2025

Index : Yes/No
Internet : Yes / No
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To

- 1.The V Additional District and Sessions Judge,
Madurai.
2. The Judicial Magistrate Court,
Melur.
3. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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