



C.R.P.(MD)No. 1419 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1419 of 2025

and

C.M.P.(MD)No.7303 of 2025

1.V.Selvarajan
2.Vijaya
3.Saroja
4.Valarmathi
5.Vengatesan

...Petitioners

Vs.

Aarthi

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the order made in C.A.No.27 of 2024 dated 07.04.2025 on the file of the Additional District and Sessions Court, Virudhunagar and modify the order made in D.V.C.No.21 of 2021 dated 11.08.2023, on the file of the Judicial Magistrate Court No.II, Virudhunagar.



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For Petitioners : Mr.K.Sekar

For Respondent : Mr.G.Mariappan

ORDER

This petition has been filed seeking to set aside the order made in C.A.No.27 of 2024 dated 07.04.2025, on the file of the Additional District and Sessions Court, Virudhunagar and modify the order made in D.V.C.No.21 of 2021 dated 11.08.2023, on the file of the Judicial Magistrate Court No.II, Virudhunagar.

2.Learned Counsel for the petitioners would submit that the first petitioner husband and the respondent wife got married in the year 2010 and they were blessed with one male child, studying 9th standard. Subsequently, there was some matrimonial dispute between them and the petitioner filed divorce petition in H.M.O.P.No.77 of 2012, on the file of the Sub Court, Virudhunagar and the same was dismissed on 05.09.2017. The respondent wife also filed restitution of conjugal rights and the same was allowed. However, even thereafter, the first petitioner has not joined with the respondent. Thereby, the respondent filed domestic violence case in D.V.C.No.21 of 2021, in which the trial Court ordered Rs.7,000/- towards rent, Rs.5,000/- maintenance towards the first respondent and Rs.3,000/- maintenance towards their child. For



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enhancement of the maintenance amount, the respondent preferred appeal in Criminal Appeal No.27 of 2024, before the lower appellate Court and the lower appellate Court directed the first petitioner to pay Rs.7,000/- towards rent, Rs.8,000/- maintenance towards the first respondent and Rs.6,000/- maintenance towards their child. Challenging the same, the present Civil Revision Petition has been filed.

3.Learned Counsel for the petitioners would submit that the respondent's behaviour was not up to the satisfaction of the first petitioner and thereby, there was a matrimonial dispute between them. It is claimed that the respondent is frequently uploading photographs in the instagram, for which the first petitioner's family is offending and the first petitioner repeatedly requested the respondent to change herself. However, since there was no change in the respondent's behaviour, the petitioner filed a petition for divorce. Apart from that the respondent is owning a house and she is employed as a Teacher and earning more than Rs.20,000/-. However, the trial Court ordered a huge maintenance in favour of the respondent.

4.Per contra, learned Counsel for the respondent would submit that as against the respondent, no adultery allegation was made by the first petitioner.



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The only allegation as against the respondent is that the respondent is wearing modern outfits and taking photographs and uploading the same in social media.

Except this, no allegation was made against the respondent, for which the petitioner / husband filed divorce petition and the same was rightly adjudicated and rejected by the trial Court. Further, the petitioner / husband preferred appeal in H.M.C.M.A.No.3 of 2017 and the same was dismissed, as against the same, again he filed second appeal in C.M.S.A(MD)No.24 of 2021, which also came to be dismissed. Now, as against the maintenance amount granted by the lower appellate Court in C.A.No.27 of 2024, the petitioner has preferred the present Civil Revision Petition. Learned Counsel further submits that the petitioner is earning more than Rs.1,40,000/- and that the maintenance amount awarded by the court below is fair and just and therefore, prays for dismissal of the present Civil Revision Petition.

5.The facts in the present case are not in dispute. Admittedly, the first petitioner and the respondent are husband and wife. Due to some matrimonial dispute, the petitioner / husband filed divorce petition and the same came to be dismissed, whereas the restitution of conjugal rights petitioner preferred by the respondent came to be allowed. Aggrieved by the same, though the petitioner preferred appeal upto this Court, he became unsuccessful. The trial



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Court in D.V.C.No.21 of 2021 filed by the respondent, ordered Rs.7,000/- towards rent, Rs.5,000/- maintenance towards the first respondent and Rs.3,000/- maintenance towards their child. Aggrieved by the same, the respondent preferred appeal in Criminal Appeal No.27 of 2024, before the lower appellate Court for enhancement of the maintenance amount and the lower appellate Court directed the first petitioner to pay Rs.7,000/- towards rent, Rs.8,000/- maintenance towards the first respondent and Rs.6,000/- maintenance towards their child. Admittedly, there is no allegation of adultery as against the respondent. Moreover, the petitioner / husband is said to be earning more than Rs.1,40,000/-, out of which the order for maintenance is only Rs.21,000/-, which is a fair and just maintenance granted by the lower appellate Court and the same need not be interfered with.

6. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

14.07.2025

Internet: Yes/No

Index: Yes/No

MR

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To

- 1.The Additional District and Sessions Court,
Virudhunagar.
- 2.The Judicial Magistrate Court No.II,
Virudhunagar.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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