

CrL.R.C.(MD)No.680 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrL.R.C.(MD)No.680 of 2025

and

CrL.M.P.(MD)No.7483 of 2025

K.Ramamoorthy

... Petitioner

-VS-

1.S.Velammal

2.R.Shree Rajalakshmi

3.Minor R.Shreehari Prasad
(Rep. By his natural guardian and
mother, namely, S.Velammal)

... Respondents

PRAYER : Criminal Revision Case is filed under Section 438 r/w. 442 of BNSS, 2023, to call for the records pertaining to the impugned order passed by the learned Judicial Magistrate, Tenkasi, made in CrL.M.P.No. 440 of 2025 in M.C.No.44 of 2024 dated 05.04.2025 and set aside the same and above the Criminal Revision Petition.

For Petitioner : Mr.C.Gangai Amaran
For Respondents : Mr.P.Baburaj for R1 & R2
Minor for R3

ORDER

This Criminal Revision Case has been filed, challenging the order passed by the learned Judicial Magistrate, Tenkasi, in Criminal M.P.No. 440 of 2025 in M.C.No.44 of 2024, dated 05.04.2025, whereby the



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petitioner/husband was directed to pay interim maintenance of Rs. 10,000/- per month to each of two minor children (respondents 2 and 3).

Facts in Brief:-

2.The petitioner herein is the respondent in M.C.No.44 of 2024, filed by the first respondent/wife along with her two minor children, seeking maintenance. Pending the said petition, the wife filed an interim application, seeking interim maintenance of Rs.35,000/- per month. The wife's case is that, due to the cruelty inflicted upon her by her husband, she had separated from him. She alleged that her husband is running a soda company at Sankarankoil, owns more than ten houses, earns Rs. 50,000/- per month from the soda company as well as rental income and is also engaged in finance business with his father, earning a total income Rs.1,00,000/- per month. Hence, she sought interim maintenance of Rs. 35,000/- per month. The petitioner/husband did not file a counter to the said petition.

Order of the Trial Court:-

3.The learned Trial Court, after hearing both parties, observed that the wife is living separately and has no independent source of income and she has to maintain herself and two minor children. The petitioner/husband is running a soda company and is also employed as a Clerk in a private college. On these findings, the learned Trial Court



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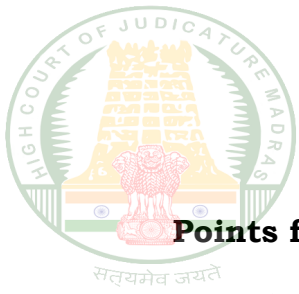
directed the husband to pay interim maintenance of Rs.10,000/- per month to each of the two minor children, pending disposal of the main maintenance case.

Submissions:-

4.The learned counsel appearing for the petitioner submitted that the petitioner is employed as a non-teaching staff in a private college, drawing only Rs.9,000/- per month. He has filed H.M.O.P.No.13 of 2025 before the learned Subordinate Judge, Sankarankoil, seeking restitution of conjugal rights, which is pending. Without considering the petitioner's limited income, the Trial Court awarded an excessive interim maintenance totalling Rs.20,000/- per month. In the pending H.M.O.P., the wife has also filed I.A.No.2 of 2025, seeking maintenance. Suppressing this fact, she filed the present application.

5.The learned counsel appearing for the respondents contended that there is no infirmity in the order of the learned Trial Court and the order of interim maintenance is justified considering the needs of the minor children.

6.Heard the learned counsels on either side and perused the materials available on record.



Points for Consideration:-

7.The primary issue for consideration is as to whether the interim maintenance awarded by the learned Trial Court requires modification in view of the petitioner's income and the circumstances of the case?

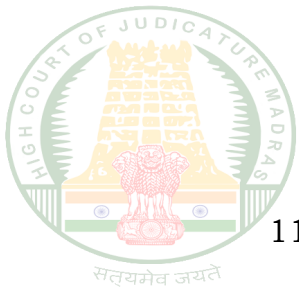
Analysis:-

8.From the records, it is evident that the wife has not produced documentary proof to substantiate her claim that the husband earns Rs. 1,00,000/- per month from rental income, the soda company, and finance business. The learned Trial Court's conclusion regarding the husband's income appears to be based on the pleadings rather than on conclusive evidence.

9.In ***Rajnish v. Neha***¹, the Hon'ble Supreme Court emphasised the necessity for both parties to submit detailed affidavits of disclosure of assets and liabilities in maintenance proceedings, to ensure a fair assessment of quantum.

10.Considering the petitioner's claim of limited income and balancing the needs of the minor children, this Court is of the view that the interim maintenance awarded requires modification.

¹ (2021) 2 SCC 324



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11. Accordingly, this Court directs as follows:

(i) The petitioner/husband shall pay interim maintenance of Rs. 5,000/- per month to the second respondent and Rs.5,000/- per month to the third respondent, totalling Rs.10,000/- per month, from the date of the impugned order, until disposal of the main maintenance case.

(ii) The petitioner/husband shall file before the learned Trial Court, within two weeks from the date of receipt of this order, a complete statement of his income, expenditure, assets and liabilities.

(iii) The learned Trial Court shall dispose of M.C.No.44 of 2024 expeditiously, in accordance with law and without being influenced by any observation made in this order.

12. With the above modifications, the Criminal Revision Case is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

12.08.2025

NCC :Yes/No

Index :Yes/No

Internet : Yes

Mrn

To

The Judicial Magistrate, Tenkasi.



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L.VICTORIA GOWRI, J.

Mrn

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