



CRL.R.C(MD)Nos.1054 and 601 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.08.2025

CORAM:

THE HON'BLE MRS JUSTICE L.VICTORIA GOWRI

CRL.R.C(MD)Nos.1054 and 601 of 2024

CRL.R.C.(MD)No.1054 of 2024

1. M.Ramya
2. Minor.M.Dhayalan
3. Minor.M.Nitheesh
(Minor Petitioners 2 and 3 are represented by their mother and
natural guardian/the 1st respondent herein) ... Petitioners

Vs.

Mathavan ... Respondent

Prayer: Petition filed under Section 438 and 442 of Bhartiya Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to the impugned order passed by the learned Family Court Judge, Theni in M.C.No.119 of 2022 dated 13.03.2024 and enhance the award amount and allow this Criminal Revision Case.

For Petitioner : Mr.P.Vinoth
for Mr.M.Saravanan

For Respondent : Mr.K.Jeyamohan



CRL.R.C(MD)Nos.1054 and 601 of 2024

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Mathavan

... Petitioner

Vs.

1. M.Ramya
2. Minor.M.Dhayalan
3. Minor.M.Nitheesh

... Respondents

Prayer: Petition filed under Section 397 read with 401 of Code of Criminal Procedure to call for the and set aside the order dated 13.03.2024 passed in M.C.No.119 of 2022 by the learned Family Court Theni and allow this Criminal Revision Petition.

For Petitioner : Mr.K.Jeyamohan

For Respondents : Mr.P.Vinoth
for Mr.M.Saravanan

COMMON ORDER

By this common order both the criminal revision petitions are being disposed of.



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2. Challenging the order passed by the learned Family Court Judge, Theni in M.C.No.119 of 2022 dated 13.03.2024, the petitioner/wife has filed CRL.RC(MD)No.1054 of 2024, seeking enhancement of compensation and the respondent/husband has filed CRL.RC(MD)No.601 of 2024, challenging the order of maintenance.

3. The brief facts as set out in the affidavit filed in support of these criminal revision petitions are as follows:-

The Petitioner/wife on behalf of herself and two minor sons had filed an application for maintenance under Section 125 of the Code of Civil Procedure, seeking a total compensation of Rs.45,000/- as monthly maintenance from the respondent/husband, who is working as an Air Force Officer. The respondent/husband is drawing a salary of Rs.71,843/- per month. The learned trial Court had examined the petitioner wife as P.W.1 and had marked Exhibits P.1 to P.11 as petitioner's side documents more particularly, Exhibit P.11 is the salary slip of the respondent/husband for the month of January 2024. The respondent/husband was examined as



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R.W.1 through whom Exhibits R.1 to R.7 were also marked. More particularly Ex.R7 being the appointment order of the petitioner/wife who was appointed as typist in PWD Department on 22.11.2023. On the basis of the arguments, documents marked and evidence deposed. The learned trial Court proceeded to pass an order directing the respondent/husband to pay a monthly maintenance of Rs.3000/- to the wife and a further amount of Rs.6000/- to each children, i.e., totally Rs.15,000/- per month as monthly maintenance from the date of application, i.e., from 27.06.2022. Challenging the same, both the husband and wife have filed these Criminal Revision cases.

4. The learned counsel appearing for the petitioner submitted that though the respondent/husband is drawing a handsome salary of Rs.71,843/- per month, the learned trial Court had directed the respondent/husband to pay only a sum of Rs.15,000/- as maintenance to the petitioner/wife and her children.



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5. The learned counsel appearing for the petitioner/wife further submitted that the aspect that the wife is employed cannot operate as a bar from being awarded with maintenance by the respondent/husband. In support of his contentions, the learned counsel appearing for the petitioner has relied upon the following judgement:-

- i. ***Rajnesh vs Neha***, reported in (2021) 2 SCC 324;
- ii. ***Sachindra Kamala Prasad Shukla vs. Priya Savhindra Shukla***, reported in 2025 SCC Online Bom 2505;
- iii. ***Amit Kumar v. Navjot Dubey***, reported in 2016 SCC OnLine P&H 12523.

6. Per contra, the learned counsel appearing for the respondent/husband categorically contended that the petitioner/wife is earning almost half the salary of the respondent/husband and the respondent/husband is having responsibility to take care of his age-old parents and also at the responsibility of paying certain loans which had been availed. Therefore, considering the fact that the petitioner/wife is also working, the respondent/husband sought for reducing the order of maintenance.

7. Heard the learned counsel on either side and carefully perused the materials available on record.



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8. The learned trial Court had carefully considered Ex.P.7, the appointment order issued by the Government of Tamil Nadu in favour of the wife dated 22.11.2023, in which the take home salary of the wife is Rs.27,913/-. However, the learned trial Court had recorded with the responsibility that the wife do not possess any own house and she was residing with her parents at the time of filing her maintenance petition and after appointment, she had to shift to Chennai.

9. According to the fact that the respondent/husband is in a better position and is earning a better salary than that of the petitioner/wife and considering the fact that the petitioner's 2 and 3 both are minor children and are studying only in the Government schools and considering the fact that the respondent/husband is at the responsibility of taking care of himself and his parents, the trial Court passed an order of maintenance directing an amount of rupees Rs.3000/- to be paid to the wife and a further amount of Rs.6000/- to be paid to each children, i.e., totally Rs.15,000/- as a monthly maintenance.



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10. The learned counsel appearing for the petitioner/wife categorically contended that she has to pay an amount of rupees Rs.7000/- towards monthly rent and presently she is employed in Chennai. My attention was also drawn to the fact that, despite the mother being employed as a State Government Employee and the father being a Central Government Employee, the children are continuing to study only in Government Higher Secondary Schools.

11. In view of the same, this court without modifying the order of maintenance towards the wife, hereby modifies the maintenance towards the children and increase the same as Rs.8500/- per head as a monthly maintenance.

12. Accordingly, CRL.RC(MD)No.601 of 2024 stands dismissed and CRL.RC(MD)No.1054 of 2024 stands partly allowed. No costs.

19.08.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
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L.VICTORIA GOWRI, J.

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