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Rev.Aplc.(MD)Nos.38 and 39 of 2025

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 31.10.2025**

CORAM

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**Rev.Aplc.(MD)Nos.38 and 39 of 2025**  
**in**  
**CMSA(MD)Nos.44 and 45 of 2019**

Vijayalakshmi

... Review Petitioner / Appellant

Vs

S.Jeyapaul

... Respondent / Respondent

**Prayer in Rev.Aplc.(MD)No.38 of 2025:** Review Application is filed under Order 47 Rule 1 & 2 r/w Section 114 of Civil Procedure Code, 1908, to review the Decree and Judgement dated 25.03.2024 passed in C.M.S.A(MD)No.44 of 2019.

**Prayer in Rev.Aplc.(MD)No.39 of 2025:** Review Application is filed under Order 47 Rule 1 & 2 r/w Section 114 of Civil Procedure Code, 1908, to review the Decree and Judgement dated 25.03.2024 passed in C.M.S.A(MD)No.45 of 2019.

In Both cases:

For Petitioner : Mr.V.Meenakshi Sundaram,  
For M/s.J.Balameenakshi

For Respondent : Mr.P.T.S.Narendravasan



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## **ORDER**

These review petitions have been filed by the appellant/wife seeking to review the common judgment dated 25.03.2024 passed in CMSA (MD) No.44 of 2019 and CMSA (MD) No.45 of 2019.

### **2. *Background:***

The matrimonial dispute between the parties has a long history. The petitioner/wife filed H.M.O.P. No.151 of 2013 before the Subordinate Judge's Court, Melur, seeking restitution of conjugal rights. In parallel, the respondent/husband filed H.M.O.P. No.211 of 2013 under Section 13(1)(i-a) of the Hindu Marriage Act, 1955, seeking divorce. After a full-fledged trial, the learned Subordinate Judge, Melur, by a common judgment dated 29.04.2016, dismissed H.M.O.P. No.151 of 2013 filed by the wife and allowed H.M.O.P. No.211 of 2013 filed by the husband, thereby granting a decree of divorce. Aggrieved thereby, the wife preferred C.M.A. Nos.12 and 13 of 2016 before the V Additional District Judge, Madurai. By order dated 31.08.2017, both the appeals were dismissed. The wife, undeterred, carried the matter further by filing CMSA (MD) Nos.44 and 45 of 2019 before this Court. After considering the records, the judgments of the Courts below, and the rival submissions, this Court dismissed both appeals.



### **3. Grounds for Review:**

The present review petitions have been filed essentially on the ground that this Court, while dismissing the appeals, did not consider the question of granting permanent alimony to the petitioner/wife, particularly in the backdrop of her present circumstances and the fact that she is solely responsible for the care of her two minor children, both of whom suffer from 50% disability and are spastic.

### **4. Parallel Proceedings under DV Act and Cr.P.C.:**

The petitioner/wife had earlier filed D.V.C. No.11 of 2014 before the Judicial Magistrate, Melur, seeking reliefs under the Protection of Women from Domestic Violence Act, 2005, including compensation, return of dowry jewellery, and maintenance. The learned Magistrate directed the respondent/husband to pay interim maintenance of Rs.15,000/- per month. The respondent/husband complied with the order only partially, making three instalment payments in May, June and July , 2015. Thereafter, on the direction of this Court, he drew a demand draft for Rs.1,00,000/- on 24.06.2015 in favour of the wife. The wife also instituted M.C. No.6 of 2014



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under Section 125 of the Code of Criminal Procedure, 1973, seeking maintenance. However, this petition was later withdrawn by her on 04.11.2020. Against the interim maintenance order passed in D.V.C. No.11 of 2014, the husband preferred C.A. No.94 of 2023 before the V Additional District and Sessions Judge, Madurai. By order dated 11.12.2023, the learned Judge modified the monthly maintenance from Rs.15,000/- to Rs. 5,000/-.

#### **5. Civil Revision Petition:**

The wife challenged the reduction of maintenance by filing C.R.P.(PD) (MD) No.16 of 2025 before this Court. By order dated 07.07.2025, this Court categorically noted that the respondent/husband had remarried and that it was the petitioner/wife who was solely taking care of herself and her two spastic children. Though educated, the petitioner/wife remained unemployed as she was compelled to devote her entire time and attention to her children. This Court held that a meagre sum of Rs.5,000/- was grossly inadequate and accordingly directed the respondent/husband to pay Rs. 15,000/- per month towards maintenance of the two minor children from



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August 2025 onwards. Further, the husband was directed to deposit the entire arrears of maintenance from 14.07.2014 to 07.07.2025, estimated at Rs.19,80,000/-, less the amounts already paid (Rs.1,45,000/-). Thus, the outstanding arrears were quantified at Rs.18,35,000/-. The arrears were to be deposited in the names of the two minor children in an interest-bearing account in any nationalised bank.

**6. Submissions:**

The learned counsel for the petitioner contended that the respondent/husband has not complied with the directions issued by this Court in the Civil Revision Petition and that the arrears remain unpaid.

Per contra, the learned counsel for the respondent argued that since the wife had withdrawn the maintenance case filed under Section 125 Cr.P.C., she has no right to claim permanent alimony in these proceedings and sought dismissal of the review petitions.



**7. Analysis:**

Section 25 of the Hindu Marriage Act, 1955, empowers the Court to grant permanent alimony and maintenance either at the time of passing a decree or subsequently on an application made by the aggrieved spouse. The provision enables the Court to direct payment of a lump sum or monthly/periodical sum having regard to the income and property of the parties, their conduct, and other circumstances of the case.

It is undisputed that: The marriage between the parties was solemnised on 06.01.2009. Out of the wedlock, two children were born, both suffering from 50% disability. The respondent/husband has remarried during the subsistence of his marriage with the petitioner. The petitioner/wife, though educated, is unable to engage in employment due to the constant care required for the two spastic children. The helpless situation of the petitioner/wife, who is left without adequate financial support while bearing the responsibility of two differently-abled children, deserves judicial recognition and protection.



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8. In light of the above circumstances, these review petitions are disposed of with the following directions:

The respondent/husband shall forthwith deposit the arrears of Rs. 18,35,000/- in an interest-bearing account in any one of the nationalised banks in the names of the two minor children of the petitioner within a period of four weeks from the date of receipt of a copy of this order. The respondent/husband shall pay monthly maintenance of Rs.15,000/- towards the two minor children and Rs.5,000/- towards the petitioner/wife, on or before the 6<sup>th</sup> day of every succeeding English calendar month, commencing from August, 2025. Except for the above modification relating to permanent alimony / maintenance, the judgment of this Court in CMSA (MD) Nos.44 and 45 of 2019 dated 25.03.2024 remains unaltered.

9. With the above observations and directions, the review petitions stand disposed of. No costs.

**31.10.2025**

NCC : Yes / No  
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**L.VICTORIA GOWRI, J.**

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