



CrI.R.C.(MD)Nos.972 of 2024 & 1 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrI.R.C.(MD)Nos.972 of 2024 & 1 of 2025

and

CrI.M.P(MD)No.10724 of 2024 & 4 of 2025

CrI.R.C(MD)No.972 of 2024:

V.K.A.Vijayarajan

... Petitioner/Respondent/
Respondent

vs.

V.Rajeshwari

... Respondent/Petitioner/
Petitioner

PRAYER: Criminal Revision Case filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the records and to set aside the order passed in Cr.M.P.No.178 of 2024 in M.C.No.19 of 2024 on the file of the Family Court, Theni dated 21.08.2024.

CrI.R.C(MD)No.1 of 2025:

V.K.A.Vijayarajan

... Petitioner/Respondent

vs.

V.Rajeshwari

... Respondent / Petitioner



CrI.R.C.(MD)Nos.972 of 2024 & 1 of 2025

PRAYER: Criminal Revision Case filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to set aside the order passed in M.C.No.19 of 2024 on the file of the Family Court, Theni dated 02.12.2024.

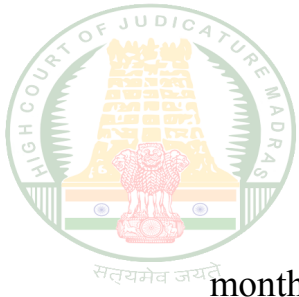
In both cases:

For Petitioner : Mr.K.Guhan
For Respondent : Mr.A.Srinivasan

COMMON ORDER

Challenging the order passed by the learned Family Court in CrI.M.P.No.178 of 2024 in M.C.No.19 of 2024, dated 21.08.2024, CrI.R.C(MD)No.972 of 2024 was filed by the petitioner husband, who is the respondent in M.C.No.19 of 2024.

2. The learned Family Court, Theni had allowed CrI.M.P.No.178 of 2024 by directing the petitioner to pay an interim maintenance of Rs.6,000/- per month. This Court by an order, dated 14.10.2024 passed an order of interim stay till the disposal of the criminal revision on the condition that the petitioner should deposit the entire arrears amount of maintenance pending as on 14.10.2024 along with cost of Rs.10,000/- on or before 07.11.2024 and continue to deposit an amount of Rs.5,000/- as



Crl.R.C.(MD)Nos.972 of 2024 & 1 of 2025

WEB COPY

monthly maintenance on every month till the disposal of the criminal revision case. In compliance to the same, the petitioner herein had deposited the entire arrears of maintenance which was pending as on 14.10.2024 along with a cost of Rs.10,000/- to the credit of M.C.No.19 of 2024 on the file of Family Court, Theni and continuing to deposit an amount of Rs.5,000/- in the credit of M.C.No.19 of 2024 till date. However, without considering the order of stay passed by this Court on 14.10.2024, the learned Family Court, Theni proceeded to conduct trial in M.C.No.19 of 2024. The learned Family Court, Theni by an order, dated 02.12.2024, directed the parties in the maintenance case to conduct trial and posted the case for P.W.1 cross on 16.12.2024. Challenging the said order, the petitioner who is the respondent in maintenance case has again filed yet another revision case in Crl.R.C(MD)No.1 of 2025, in which this Court passed an order of interim stay.

3. The learned counsel for the petitioner submitted that there is no default on the part of the petitioner in complying the interim order passed by this Court in Crl.R.C(MD)No.972 of 2024, dated 14.10.2024 and he is ready to pay the same till the disposal of M.C.No.19 of 2024.



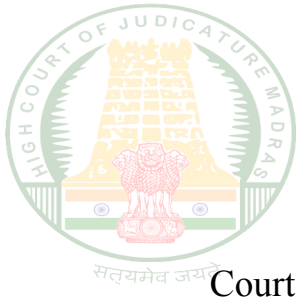
CrI.R.C.(MD)Nos.972 of 2024 & 1 of 2025

WEB COPY

4. The learned counsel for the respondent submitted that there may be a precise direction directing the learned Family Court, Theni to dispose of the maintenance case as expeditiously as possible.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

6. The petitioner herein is the senior citizen and he has already married away his daughter and that his son is also with him though attained age of majority and already they are separated for more than 10 years and decree of divorce has also been granted by the Family Court, Theni. The respondent wife had preferred an appeal against the decree of divorce and the dismissal of restitution and the Civil Miscellaneous Appeals concerned are pending before this Court. Be it a senior citizen or a young man, it is the right of the wife, even if divorced, to seek maintenance and maintenance is not a charity, it is the right of the wife whether he is young or old. Hence, I do not find any merit in this criminal revision case and it is my considered opinion that the petitioner shall continue to pay the maintenance of Rs.5,000/- as directed by this



Crl.R.C.(MD)Nos.972 of 2024 & 1 of 2025

WEB COPY

Court till the disposal of the maintenance case by the learned Family Court, Theni. The learned Family Court, Theni is directed to conclude the trial of the maintenance case in M.C.No.19 of 2024 within a period of two (2) months from the date of receipt of copy of this order.

7. Accordingly, both the Criminal Revision Cases are disposed of. Consequently, connected Miscellaneous Petitions are closed.

16.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

gbg

To

The Family Court,
Theni



WEB COPY



CrI.R.C.(MD)Nos.972 of 2024 & 1 of 2025

L.VICTORIA GOWRI ,J.

gbg

Order made in
CrI.R.C.(MD)Nos.972 of 2024 & 1 of 2025

Dated: 16.07.2025