



C.R.P.(MD)No.2868 of 2024

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.2868 of 2024

and

C.M.P(MD)No.16404 of 2024

Muthuram Kumar

... Petitioner

Vs.

Chitirai Banu

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the judgment made in Crl.A.No.210 of 2013 dated 01.07.2024 on the file of the II Additional District and Sessions Judge, Thoothukudi District by confirmed the judgment made in D.V.C.No.13 of 2017 dated 06.06.2023 on the file of the Judicial Magistrate Court No.I, Srivaikundam, Thoothukudi District.

For Petitioner : Mr.A.D.Ganeshamoorthi

For Respondent : No appearance



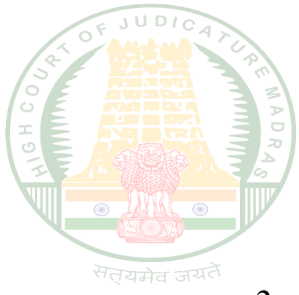
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ORDER

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This petition has been filed seeking to set aside the judgment made in Crl.A.No.210 of 2013 dated 01.07.2024 on the file of the II Additional District and Sessions Judge, Thoothukudi District by confirming the judgment made in D.V.C.No.13 of 2017 dated 06.06.2023 on the file of the Judicial Magistrate Court No.I, Srivaikundam, Thoothukudi District.

2. The case of the petitioner is that the marriage between the petitioner and the respondent was solemnized on 22.04.2005 at C.S.I.Church, Thiruvaluthi Nadar Vilai, Eral, Thoothukudi District as per the Christian Rituals. Thereafter, they blessed with two children and subsequently, there was a matrimonial dispute in between them, thereby, the respondent filed D.V.C.No.13 of 2017 before the learned Judicial Magistrate No.I, Srivaikundam. The learned Judicial Magistrate No.I, Srivaikundam by its order dated 06.06.2023 allowed the said petition and directed the petitioner to pay a sum of Rs.12,000/- per month as monthly maintenance to the respondent. Aggrieved against the said order, the petitioner has filed an appeal in Crl.A.No.210 of 2023 before the II Additional District and Sessions Court, Thoothukudi and the same was dismissed. Aggrieved against the concurrent findings of the Courts below, the petitioner has filed the present Civil Revision Petition.

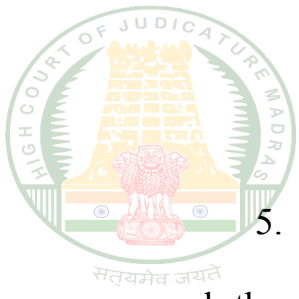


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3. The learned counsel appearing for the petitioner would submit that though the petitioner employed as an Assistant Executive Engineer in Thermal Power Station, Thoothukudi, his take home salary is Rs.50,000/-. Out of which, he is paying the entire educational expenses of the children. Apart from that, he is also paying Rs.4,000/- in the Post Office under Selva Mahal Savings Scheme. The respondent/wife is working as Assistant Professor in Vallanadu Thulasi Arts and Science College and earning more than Rs.20,000/-. Without considering the same, the trial Court has directed the petitioner to pay a sum of Rs.12,000/- as monthly maintenance to the respondent and her children is not acceptable one and the same is excessive and prays for allowing the Civil Revision Petition.

4. Heard the learned counsel appearing for the petitioner. Though the revision petition is of the year 2024, till date the petitioner has not taken any steps to serve notice on the respondent. However, in view of the nature of the order which this Court is going to pass, which in no way affects the respondent, representation on behalf of the respondent is not necessary.



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5. It is seen from the records that the relationship between the petitioner and the respondent was not in dispute. Admittedly, the respondent filed D.V.C.No.13 of 2017 as against the petitioner and in which, the trial Court has ordered Rs.12,000/- as monthly maintenance payable by the petitioner to the respondent. Though the petitioner claims that the respondent is working as Assistant Professor in Vallanadu Thulasi Arts and Science College and earning more than Rs.20,000/-, no proof was filed to prove that the respondent is receiving Rs.20,000/- as salary. The petitioner has not proved that his take home salary is Rs.50,000/-. The petitioner himself admitted that he is paying the educational expenses to the children. Mere payment of educational expenses to the children cannot decline the petitioner to pay monthly maintenance to his wife, unless the respondent proved that the respondent is gainfully employed. It is the duty cast upon the petitioner to pay the monthly maintenance to his wife and children and hence, the contention of the petitioner that the trial Court has erred in awarding Rs.12,000/- as monthly maintenance and the same is meagre. In such circumstances, I am of the opinion that there is no error or irregularity or illegality in the impugned order passed by the Courts below. There is no infirmity warranting interference by this Court.

6. In the result, the civil revision petition is dismissed. No costs.



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Consequently, connected miscellaneous petition is closed.

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Internet: Yes/No

Index: Yes/No

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To

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



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M.DHANDAPANI, J.

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