



Crl.R.C.(MD)Nos.1217 & 1394 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)Nos.1217 & 1394 of 2023

and

Crl.M.P(MD)No.913 of 2024

Crl.R.C(MD)No.1217 of 2023:

Ramalakshmi @ Kaviarasi

... Petitioner/Petitioner

Vs.

K.Rajakumaran

... Respondent/Respondent

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 of BNSS, to call for the records and set aside the judgment dated 22/09/2023 in M.C.No.2/2023 on the file of the Family Court, Virudhunagar District at Srivilliputhur only in respect of the quantum of maintenance amount.

For Petitioner : Mr.G.R.Satish

For Respondent : Mr.S.Muniyandi

Crl.R.C(MD)No.1394 of 2023:

K.Rajakumaran

... Petitioner/Respondent

Vs.

Ramalakshmi @ Kaviarasi

... Respondent/Petitioner



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PRAYER : Criminal Revision Case filed under Section 438 r/w 442 of BNSS, to call for the records and set aside the order dated 22/09/2023 in M.C.No.2/2023 on the file of the Family Court, Virudhunagar District at Srivilliputhur.

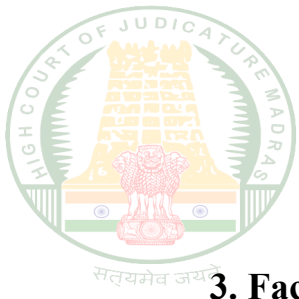
For Petitioner : Mr.S.Muniyandi

For Respondent : Mr.G.R.Satish

ORDER

These Criminal Revision Cases are filed challenging the order passed by the learned Judge, Family Court, Virudhunagar District at Srivilliputhur, in M.C.No.2 of 2023, dated 22.09.2023. Since both cases arise out of the same order, they are heard together and disposed of by this common order.

2. For convenience, the parties are referred to as per their ranking in Crl.R.C.(MD)No.1394 of 2023, i.e., the husband as *petitioner* and the wife as *respondent*.



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3. Factual Background:

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(i) The marriage between the petitioner/husband and the respondent/wife was solemnized several years ago. Owing to matrimonial discord, they began to live separately. The wife, being unable to sustain herself financially, filed a petition under Section 125 Cr.P.C. 1973, before the Family Court, Virudhunagar District at Srivilliputhur, seeking monthly maintenance.

(ii) The husband is employed as a Havildar in the Indian Army. His salary slips produced before the Trial Court indicated that he draws a gross monthly income of Rs.74,942/-, and after deductions, his net salary is Rs.41,319/-. He also admitted ownership of two houses, besides the responsibility of maintaining his mother and sister.

(iii) The Family Court, upon considering these aspects, directed the husband to pay a sum of Rs.5,000/- per month as maintenance to his wife from the date of the petition. Aggrieved by the quantum, the wife has filed Crl.R.C.(MD)No.1217 of 2023 for enhancement, whereas the husband has filed Crl.R.C.(MD)No.1394 of 2023 seeking reduction of the maintenance.



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4. Submissions of Counsel:

(i) For the Wife: It was submitted that the maintenance of Rs.5,000/-is grossly inadequate to sustain herself with dignity in the present economic conditions. Considering the husband's stable employment, decent income, and ownership of immovable assets, she is entitled to a higher amount.

(ii) For the Husband: It was contended that his net income is only Rs. 41,319/- after deductions. He has to take care of his mother and sister, and hence, the maintenance fixed by the Family Court is unreasonable.

5. Legal Principles on Maintenance:

The jurisprudence on maintenance has been consistently settled by the Hon'ble Supreme Court:

(i) Not a Bounty but a Right

*Chaturbhuja v. Sita Bai*¹ : The object is to prevent destitution and vagrancy.

¹(2008) 2 SCC 316



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(ii) Maintenance Must Be Realistic

*Shamima Farooqui v. Shahid Khan*², : Maintenance must be reasonable and realistic, not illusory. It cannot be so meagre that it forces the wife into poverty and indignity.

(iii) Comparable Standard of Living

*Rajnish v. Neha*³, : The dependent spouse should be able to live with dignity and in a manner comparable to the standard of living in the matrimonial home.

(iv) Primary Obligation of the Husband

*Bhuwan Mohan Singh v. Meena*⁴, : The husband's responsibility to maintain his wife is paramount.

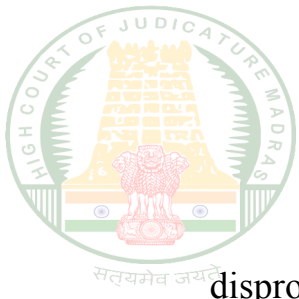
6. Analysis :

(i) In the present case, the husband is an Army personnel, earning a gross salary of more than Rs.70,000/- per month, and a net salary exceeding Rs.40,000/-. He also owns two houses. In such circumstances, the award of Rs.5,000/- per month by the Family Court is

2(2015) 5 SCC 705

3(2021) 2 SCC 324

4(2015) 6 SCC 353



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disproportionately low, considering both his income and the present-day cost of living.

(ii) The plea that he must also support his mother and sister cannot dilute his primary responsibility towards his wife. As repeatedly held by the Supreme Court, maintenance ensures that a wife does not fall into destitution and is able to live with dignity. Maintenance is not a matter of charity or bounty but a statutory right. Other responsibilities cannot absolve him of this statutory duty.

(iii) Therefore, the maintenance fixed by the Family Court requires upward revision.

(iv) Epilogue: Maintenance and Dignity:

Before parting, it is apt to reiterate the words of the Supreme Court in *Shamima Farooqui (supra)* that “*maintenance cannot be treated as a matter of charity; it is the solemn duty of the husband and a right of the wife.*” The quantum of maintenance must reflect this fundamental principle, ensuring that the wife is not reduced to helplessness when the husband has sufficient means to provide her with dignity.



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7. Crl.R.C.(MD)No.1217 of 2023 filed by the wife is allowed. The maintenance awarded is enhanced from Rs.5,000/- to Rs.10,000/- per month.

8. Crl.R.C.(MD)No.1394 of 2023 filed by the husband is dismissed. Consequently, Crl.M.P.(MD)No.913 of 2024 is closed.

24.07.2025

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

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To

1.The Family Court,
Srivilliputhur,
Virudhunagar District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI ,J.

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Order made in
Crl.R.C.(MD)Nos.1217 & 1394 of 2023

Dated: 24.07.2025