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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 09.10.2026

Orders Pronounced on : 27.10.2026

CORAM

THE HON'BLE MR.JUSTICE R.RAJESH VIVEKANANTHAN

CRP No. 2339 of 2023

CNR: {HCMA011089542023}

and

C.M.P.No.14322 of 2023

Loknathsami
S/o Panchatcharam,
No 368, Rice Mill Street,
Neelagandarapuram, Maruthalam,
Walajah Taluk, Ranipet District.

..Petitioner

Vs.

R.Lekasrinithi
W/o Loknathasami, D/o Ramesh,
Door No 98, Thiruvalluvar Nagar,
Pallikonda, Anaicut Taluk, Ranipet District.

..Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the Order passed by the Principal District and Sessions Court, Vellore on 27.04.2023 in Criminal Appeal No.130 of 2022 confirming the order passed by the Judicial Magistrate Court/Addl. Mahila Court, Vellore on 22.06.2022 in Cr.MP.No.2781/2022 in DVC.No.2 of 2022.

For Petitioner(s): Mr.K.Selvakumar

For Respondent(s): Mr.S.Santhan

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This Civil Revision Petition is filed challenging the order passed by the Principal District and Sessions Court, Vellore on 27.04.2023 in Crl.A.No.130 of 2022, confirming the order passed by the Judicial Magistrate-cum-Additional Mahila Court, Vellore, on 22.06.2022 in Crl.M.P.No.2781 of 2022 in D.V.C.No.2 of 2022.

2. The respondent herein (wife) filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 before the Judicial Magistrate/Additional Mahila Court, Vellore against the revision petitioner herein (husband). Pending the above proceedings, the respondent-wife has filed a petition for interim maintenance of Rs.25,000/- to herself and a sum of Rs.15,000/- to their child, totally, Rs.40,000/- and Rs.25,000/- as one time litigation expenses.

3. The respondent/wife specifically averred in Crl.M.P.No.2781 of 2022 in D.V.C.No.2 of 2022 that the revision petitioner-husband was working in Wipro Limited, Bangalore and earning a sum of Rs.1,00,000/- per month. The respondent-wife is in the custody of her parents and she is unable to maintain

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herself and her child.

4. The revision petitioner/husband filed a counter and additional counter in the Crl.M.P. before the Court below. According to the revision petitioner-husband, he has resigned his job and he does not have any job or any source of income. He is not in a position to maintain himself. On the other hand, the respondent-wife is running a Boutique business and earning a sizable income to maintain herself and the child and sought for dismissal of the said Crl.M.P.

5. The Additional Mahila Court, Vellore held that the revision petitioner/husband, cannot be permitted to plead that he is unable to maintain his wife due to financial incapacity and held that the earnings from the Boutique, will not be sufficient to maintain herself and her child and therefore, directed the revision petitioner-husband to pay a sum of Rs.5,000/- per month to the respondent-wife and Rs.10,000/- to the child as interim maintenance. As against the said order of the Mahila Court, the revision petitioner-husband preferred a criminal appeal before the Principal District and Sessions Court, Vellore in Crl.A.No.130 of 2022. The revision petitioner-husband did not deny that he is working in an IT company and he did not produce sufficient evidence to show that the wife is earning sufficiently. The Additional Mahila Court also held that the petition is only for interim maintenance and the revision petitioner-husband can prove his case in the main DVC proceedings, which is pending

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before the Additional Mahila Court. The maintenance awarded by the trial Court is a reasonable one and the appellate Court confirmed the order of the trial Court passed in Cr.M.P.No.2781 of 2022 in D.V.C.No.2 of 2022, dated 22.06.2022 and dismissed the appeal. As against the same, the revision petitioner/husband has filed the present Civil Revision Petition.

6. Heard both sides and perused the materials available on record.

7. Learned counsel for the revision petitioner submitted that the respondent-wife has failed to prove that the husband is having means to take care of the respondent and the child. He has no job at present. He had been providing and taking care of the needs of his wife and child, when he was employed. The Courts below did not believe the contention of the revision petitioner-husband that the respondent-wife is earning a sizable income to maintain herself and the child. The Courts below, unreasonably awarded interim maintenance.

8. Learned counsel for the respondent-wife submitted that presently, the revision petitioner-husband is working in HCL Company and earning more than Rs.1 lakh. Even though he has sufficient means to maintain the respondent-wife and the child, he purposely failed to maintain them. The respondent-wife is depending upon her parents for her maintenance. The maintenance awarded by

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the Courts below, is a very reasonable one and she prayed for dismissal of the present Civil Revision Petition.

9. It is the duty of a husband to maintain his wife and their child. The revision petitioner/husband did not produce any valid document to show that he is now un-employed.

10. Both the Courts below, considering the facts and circumstances of the case and the documents produced before them, disbelieved the contention of the revision petitioner and also the revision petitioner did not produce any evidence to the fact that the respondent-wife is earning sufficient income to maintain herself and the child. The amount of Rs.5,000/- awarded to the respondent-wife and Rs.10,000/- to the child, fixed by the impugned order as interim maintenance, cannot be said to be unreasonable, taking into consideration the cost of living prevailing now. When the revision petitioner/husband is employed in HCL, which is a reputed Software Company, it is the duty of him to maintain his wife and their child.

11. Both the Courts below have rightly analysed the evidence placed on record and granted Rs.5,000/- to the respondent-wife and Rs.10,000/- to the child as interim maintenance, till the disposal of the DVC proceedings pending before the trial Court in DVC.No.2 of 2022.

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12. This Court does not find any infirmity in the impugned order. Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, the miscellaneous petition is closed.

27-10-2026

Index: Yes/No
Speaking Order: Yes/no
Neutral Citation: Yes/No
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To

1. The Principal District and Sessions Judge, Vellore.

2. The Judicial Magistrate (Additional Mahila Court), Vellore.

3. The Record Keeper, V.R.Section, High Court, Madras.

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R.RAJESH VIVEKANANTHAN, J.

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Pre-delivery order in
CRP No. 2339 of 2023

Order pronounced on
27-10-2026

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