



Crl.R.C.No.1127 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1127 of 2025

and Crl.M.P.no.14126 of 2025

M. Eswaran

... Petitioner

Vs.

B. Kalaivani

... Respondent

Prayer: Criminal Revision Case filed under Section 438 r/w 442 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records of the file of Principal Family Court at Chennai and set aside the order passed by him in M.C.No.313 of 2020 dated 21.05.2025 on his file.

For Petitioner : Mr.V.Neethidurai

For Respondent : Mr.K.Nirmal Kumar

ORDER

The revision challenges the award dated 21.05.2025 passed by the learned Principal Judge in M.C.No.313 of 2020 on the file of the Principal Family Court, Chennai, directing the petitioner to pay a monthly

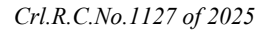


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maintenance of Rs.10,000/- per month to the respondent until his retirement i.e. July 2024 and thereafter, a sum of Rs.5000/- per month.

2. The learned counsel for the petitioner would submit that the learned Judge had not taken into consideration the fact that the petitioner has to take care of the children of his deceased brother and his aged mother; that the petitioner has to pay a sum of Rs.26,792/- towards EMI for the personal loan availed by him and since his mother is aged, her medical expenses also amount to more than Rs.6,500/- per month and considering all the above facts, the impugned order directing payment of Rs.5,000/- to the respondent is liable to be set aside.

3. The learned counsel for the respondent, *per contra*, would submit that though the respondent is a graduate, she is unemployed and she is living under the care of her parents; that she has no property of her own and that in such circumstances, the award of Rs.5,000/- is justified and there is no reason to interfere with the said order. The learned counsel would further submit that as per the directions of this Court, the petitioner has to pay a sum of Rs.3,12,000/- towards arrears of maintenance and a sum of



4. Admittedly, the respondent is unemployed and is living with her parents. The petitioner was working as a teacher in a Government School. The petitioner retired from service in July 2024. The learned Judge taking into consideration of the affidavit of assets, found that the petitioner was earning a salary of Rs.86,265/- per month and the petitioner also owns property. Considering the fact that the petitioner and the respondent have been living separately from the year 2012, the learned Judge thought it fit to award maintenance of Rs.10,000/- per month from the date of filing of the petition till July 2024 and thereafter a sum of Rs.5,000/- per month from August 2024 onwards. This Court on perusal of the impugned order finds no infirmity in the order passed by the learned Judge. However, considering the fact that the petitioner has to pay a sum of Rs.3,12,000/- towards arrears of maintenance and that the petitioner has been paying a sum of Rs.3,000/- pursuant to the impugned order, this Court is inclined to direct the petitioner to pay a further sum of Rs.2,00,000/- (Rupees Two Lakhs only) towards arrears of maintenance and shall continue to pay a sum of Rs.5,000/- (Rupees Five Thousand only) per month from this month.



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5. With the above said observations, this Criminal Revision Case is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

08.01.2026

Index : Yes/No
Speaking Order/Non Speaking Order
Mac

To

1. The Principal Family Court, Chennai

SUNDER MOHAN, J.

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