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Crl.RC.No.2683 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2026

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 2683 of 2025

1. Minor P. Nikita
(Rep. by her mother and natural guardian
R.Ramya, The 2nd petitioner)
residing at Farooq Nagar, Kovaipudur,
Coimbatore-641 042

2. R. Ramya
D/o. Rajendran,
Farooq Nagar, Kovaipudur,
Coimbatore-641 042.

...Petitioner(s)

Vs.

I. Praveen Kumar David
S/o.D.Isak Selvakumar,
20, Ramanathan Street,
Gobichettipalayam-638 452
Erode District

... Respondent(s)

PRAYER: Criminal Revision Case is filed under Section 438 & 442 of BNSS, 2023, to set aside the order dated 25.09.2024, passed in M.C.No.22 of 2018 on the file of the learned Additional Principal Family Court, Coimbatore.

For Petitioner(s): Mr.J. Varun

For Respondent(s): Mr.J.Titus Enock

ORDER

The revision has been filed challenging the order dated 25.09.2024 passed by the learned Additional Principal Judge, Additional Principal Family Court,



Coimbatore, in M.C.No.22 of 2018, by which the prayer for awarding maintenance to the 2nd petitioner was dismissed.

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2. It is the case of the petitioners that the 2nd petitioner was earning a meagre income of Rs.15,000/- per month as a teacher and that she is no longer employed; and therefore, the order impugned which denies maintenance to the 2nd petitioner is liable to be set aside.

3. The learned counsel for the petitioner would also submit that the respondent had not even paid maintenance in terms of the impugned order so far to the first petitioner and the petitioners have filed execution petition.

4. The learned counsel for the respondent would submit that the 2nd petitioner was originally working in a school and earning Rs.15,000/- per month; that she is a qualified person and therefore, she cannot be termed as a person incapable of maintaining herself and the submission that she is unemployed at present is false; that in fact, the respondent is incapable of even paying the monthly maintenance of Rs.20,000/- to the minor, as his take-home salary is very less; and that the respondent intends to file a revision challenging the quantum of maintenance awarded to the 1st petitioner herein.



5. Though the learned counsel sought time to file a revision challenging the impugned order as regards the quantum of maintenance awarded to the 1st petitioner, the respondent so far has not challenged the said order. In any case, this Court finds that the petitioners had established that the respondent is also a qualified teacher and he had admitted that his salary is Rs.89,000/- per month. He had also admitted that his take home salary is Rs.70,000/- and even if the EMI for bank loan is deducted, the respondent is drawing Rs.50,000/- per month. There is no evidence to the contrary by the respondent. Therefore, the quantum of maintenance awarded to the 1st petitioner is justified and there is no reason to interfere with the said amount.

6. As regards the claim of maintenance to the 2nd petitioner, it is seen that, admittedly, the 2nd petitioner is also a qualified person holding three degrees, M.A, B.Ed. and D.T.Ed., and was working in a private school earlier. Even assuming that the 2nd petitioner is presently unemployed, from the evidence adduced before the trial Court, it cannot be said that she is incapable of maintaining herself. Therefore, this Court finds no infirmity in the said order denying maintenance to the 2nd petitioner. The respondent shall, therefore, forthwith pay the arrears of maintenance to the 1st petitioner and continue to pay Rs.20,000/- to the 1st petitioner.

7. With the above observations, this Criminal Revision Case is disposed



of.

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Index: Yes/No

Speaking/Non-speaking order

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SUNDER MOHAN J.

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To

1. The Additional Principal Family Court, Coimbatore

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