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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL RC No. 2455 of 2026

and

CRL MP No.20761 of 2026

CNR: {HCMA012210692026}

Muniyappan
S/o Murugesan,
No.2/196, Maniyakarar Street,
Indiyampalayam, Arasur Po,
Sathyamangalam Taluk,
Erode.

..Petitioner(s)

Vs

1. Minor Adithya
   S/o Muniyappan,
   Rep by his Mother/Natural Guardian
   V.Karthika,
   No.6/275-B-1, Ganesh Nagar,
   Pattanam, Coimbatore.
2. V.Karthika
   W/o Muniyappan,
   No.6/275-B-1, Ganesh Nagar,
   Pattanam, Coimbatore.

..Respondent(s)

Prayer: To set aside the order dt.11.08.2026 in MP.No.1 of 2025 in MC.No.7 of 2025 on the file of the learned Judicial Magistrate, Sulur, Coimbatore or in the alternative and without prejudice, be pleased to substantially modify and reduce the quantum of maintenance awarded and pass any other or further order as this Honble Court.

For Petitioner(s): Mr. M.Rajasekaran

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ORDER

This Criminal Revision Case has been filed challenging the order dated 11.08.2026 passed in M.P.No.1 of 2025 in M.C.No.7 of 2025 on the file of the Learned Judicial Magistrate, Sulur, Coimbatore, whereby the learned Magistrate partly allowed the petition filed by the respondents herein under Section 144(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, granting interim maintenance of Rs.10,000/- per month to the second respondent/wife and Rs.10,000/- per month to the first respondent/minor child, totalling Rs.20,000/- per month, together with a one-time payment of Rs.15,000/- towards litigation and incidental expenses.

2.The petitioner herein is the husband of the second respondent and the father, as claimed in the maintenance proceedings, of the first respondent/minor child. The respondents herein filed M.C.No.7 of 2025 before the Learned Judicial Magistrate, Sulur, seeking maintenance. Pending disposal of the main maintenance proceedings, they filed M.P.No.1 of 2025 under Section 144(2) of the BNSS, seeking interim maintenance of Rs.75,000/- per month and a sum of Rs.25,000/- towards litigation expenses. The learned Magistrate, after considering the materials placed before the Court, partly allowed the application by order dated 11.08.2026, directing the petitioner to pay a sum of Rs.10,000/- per month to the second respondent/wife and Rs.10,000/- per month to the first respondent/minor child. The learned Magistrate further directed the petitioner to

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pay a one-time sum of Rs.15,000/- towards litigation and incidental expenses. It was also directed that the monthly maintenance amount shall be payable from the date of filing of the maintenance petition and that the accumulated arrears shall be paid within a period of three months.

3.Aggrieved by the said order, the petitioner has preferred the present Criminal Revision Case, contending that the learned Magistrate failed to properly appreciate his actual financial capacity, existing financial commitments and the materials available on record. The principal contention of the petitioner is that the learned Magistrate himself has recorded that his take-home salary is approximately Rs.94,000/- per month and that he is burdened with monthly EMI commitments of approximately Rs.35,000/-, apart from medical and other necessary expenses. According to the petitioner, the learned Magistrate failed to consider the actual disposable income available to him before fixing the monthly maintenance at Rs.20,000/-.

4.The petitioner has further contended that the respondents had alleged that he was earning additional income through rental properties, business activities and real-estate dealings. However, according to the petitioner, the learned Magistrate had specifically noticed that the respondents had not produced adequate documentary evidence to substantiate the alleged additional sources of income. Therefore, it is contended that the learned Magistrate ought

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not to have attributed any such additional income to the petitioner while determining the quantum of interim maintenance.

5.The petitioner has also challenged the direction requiring him to pay the interim maintenance from the date of filing of the maintenance petition and to clear the accumulated arrears within three months. According to him, the said direction is onerous and causes undue financial hardship, particularly when the main maintenance proceedings in M.C.No.7 of 2025 are still pending and the respective rights and liabilities of the parties have not yet been finally adjudicated.

6.Another important ground raised by the petitioner relates to the biological paternity of the first respondent/minor child. According to the petitioner, his marriage with the second respondent was solemnised on 17.03.2021 and there was no physical or conjugal access between them during the relevant period of conception. In this regard, the petitioner had filed M.P.No.2 of 2025 in M.C.No.7 of 2025 under Section 116 of the Bharatiya Sakshya Adhiniyam, 2023, seeking a scientific DNA examination of himself and the minor child to determine biological paternity. However, the said application was dismissed by the learned Judicial Magistrate by order dated 19.05.2026. The petitioner contends that the learned Magistrate failed to properly consider this specific contention while passing the impugned order

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granting interim maintenance.

7.This Court has carefully considered the grounds raised by the petitioner and perused the impugned order passed by the learned Magistrate. The principal question that arises for consideration in the present Criminal Revision Case is whether the order granting interim maintenance of Rs.20,000/- per month to the wife and minor child, together with litigation expenses of Rs.15,000/-, warrants interference in the exercise of revisional jurisdiction.

8.At the outset, it is relevant to note that the proceedings before the learned Magistrate arise out of a claim for maintenance by the wife and minor child. The object of the provisions relating to maintenance is to prevent destitution and vagrancy and to ensure that persons who are unable to maintain themselves are provided with reasonable financial support by the person legally bound to maintain them. The grant of interim maintenance is intended to provide immediate financial assistance during the pendency of the main proceedings and cannot be treated as a final determination of the rights and liabilities of the parties.

9.In the present case, the petitioner himself admits that his take-home salary is approximately Rs.94,000/- per month. He also relies upon his monthly EMI commitments of approximately Rs.35,000/- and other medical and

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personal expenses. While determining the quantum of maintenance, the financial commitments of the husband are certainly relevant considerations. However, the mere existence of loan commitments or other financial liabilities cannot, by itself, absolve a husband of his statutory obligation to maintain his wife and minor child, subject to the entitlement of the claimants being established in accordance with law. The obligation to maintain one's wife and minor child cannot be placed below voluntarily undertaken financial commitments without examining the nature and necessity of such commitments.

10.It is also relevant to note that the respondents had initially claimed interim maintenance of Rs.75,000/- per month. However, the learned Magistrate, upon considering the materials available before the Court and the financial circumstances projected by both sides, has awarded only Rs.10,000/- per month to the second respondent/wife and Rs.10,000/- per month to the first respondent/minor child. The total amount awarded is Rs.20,000/- per month, which is substantially lower than the amount originally claimed by the respondents. The petitioner has not demonstrated any patent illegality or material irregularity in the manner in which the learned Magistrate arrived at the said quantum, warranting interference by this Court.

11.The contention that the respondents have not produced sufficient documentary evidence to establish the alleged rental income, business income

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and income from real-estate dealings also requires consideration. However, the determination of interim maintenance cannot always be made solely on the basis of documentary proof of every alleged source of income. The Court is entitled to consider the admitted income, employment particulars, financial circumstances and other relevant materials available on record. In the present case, even according to the petitioner, his monthly take-home salary is approximately Rs.94,000/-. Therefore, irrespective of the dispute regarding the alleged additional sources of income, the learned Magistrate had material regarding the petitioner's employment income while determining the interim maintenance.

12.As regards the direction to pay maintenance from the date of filing of the maintenance petition, it is to be noted that the determination of the date from which maintenance is payable is a matter within the discretion of the Court, to be exercised judicially after considering the facts and circumstances of the case. The fact that the main maintenance proceedings are pending cannot, by itself, be a ground to deny interim maintenance or to postpone the commencement of payment until the final disposal of the proceedings. Interim maintenance is intended to provide immediate financial assistance during the pendency of the proceedings. Therefore, the direction to pay the interim maintenance from the date of filing of the petition does not, by itself, disclose any illegality warranting interference.

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13.The petitioner has also raised a specific contention regarding the biological paternity of the first respondent/minor child and has relied upon the dismissal of M.P.No.2 of 2025, which was filed seeking DNA examination. In this regard, it is relevant to note that the dismissal of the application seeking DNA examination and the question of entitlement to interim maintenance are distinct matters requiring consideration on their respective legal and factual foundations. The petitioner cannot, merely on the basis of an allegation disputing biological paternity, automatically avoid the obligation arising from the proceedings concerning the maintenance of the minor child. The question of paternity, if raised and legally maintainable, has to be considered in accordance with the applicable law and the materials placed before the competent Court. The present revision, which challenges the order granting interim maintenance, cannot be converted into an adjudication of the biological paternity of the minor child.

14.It is further relevant to note that the main maintenance proceedings in M.C.No.7 of 2025 are still pending before the learned Magistrate. The impugned order is only an interim arrangement made to ensure financial support to the respondents during the pendency of those proceedings. The petitioner will have sufficient opportunity to place all relevant materials relating to his income, existing liabilities, medical expenses and other financial circumstances before the learned Magistrate during the course of the main proceedings. The learned

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Magistrate is also required to consider the materials placed by both parties while finally adjudicating the maintenance claim. Therefore, the interim order cannot be treated as a final determination of the petitioner's liability.

15.It is well settled that the revisional jurisdiction of this Court is not equivalent to that of an appellate Court. Unless the impugned order suffers from patent illegality, perversity, jurisdictional error or material irregularity, this Court would not ordinarily interfere with an order passed by the Court below after considering the materials available on record. In the present case, the petitioner has raised grounds relating to his financial commitments, alleged absence of additional income, retrospective payment of maintenance and the disputed paternity of the minor child. However, these grounds, in the circumstances of the present case, do not establish any patent illegality or perversity in the order passed by the learned Magistrate.

16.This Court is of the considered view that the learned Magistrate has taken into account the petitioner's admitted monthly income and has awarded a comparatively reasonable amount towards interim maintenance to the wife and minor child, pending disposal of the main proceedings. The amount awarded is intended to provide immediate financial support to the respondents and cannot be considered excessive merely because the petitioner has other financial commitments. The direction to pay a one-time sum of Rs.15,000/- towards

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litigation and incidental expenses also does not disclose any apparent illegality warranting interference.

17.Consequently, this Court finds no sufficient ground to interfere with the impugned order dated 11.08.2026 passed in M.P.No.1 of 2025 in M.C.No.7 of 2025 on the file of the Learned Judicial Magistrate, Sulur, Coimbatore.

18.Accordingly, this Criminal Revision Case is **dismissed**. The order passed by the Learned Judicial Magistrate, Sulur, Coimbatore, granting interim maintenance of Rs.10,000/- per month to the second respondent/wife and Rs.10,000/- per month to the first respondent/minor child, together with a one-time sum of Rs.15,000/- towards litigation and incidental expenses, stands **confirmed**. Connected miscellaneous petition is also closed. There shall be no order as to costs.

19.It is made clear that the observations made by this Court in the present Criminal Revision Case are confined to the challenge against the interim maintenance order and shall not influence the learned Judicial Magistrate while finally adjudicating the main maintenance proceedings in M.C.No.7 of 2025. The learned Judicial Magistrate shall independently consider the oral and documentary evidence and all the contentions raised by both parties and dispose of the main maintenance proceedings on their own merits and in accordance

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with law.

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20.Let a copy of this order be sent by the Registry of this Court to the Learned Judicial Magistrate, Sulur, Coimbatore, for necessary compliance and information.

30-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

The Judicial Magistrate, Sulur, Coimbatore.

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SHAMIM AHMED, J.

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