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C.R.P.(MD)No.33 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2026

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)No.33 of 2026

S.Preethi

... Petitioner

-VS.-

M.B.Vilvapathy

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the order, dated 13.10.2025 passed by the Family Court, Thanjavur, in I.A.No.7 of 2024 in H.M.O.P.No.75 of 2023 and to direct the respondent to pay the maintenance from the date of application which is on 04.07.2024.

For Petitioner :Mr.A.Senthil Kumar
For Respondent :Mr.P.Dhinesh Kumar
for Mr.C.M.Arumugam



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ORDER

The present Civil Revision Petition has been filed challenging the order passed by the learned Judge, Family Court, Thanjavur, in I.A.No.7 of 2024 in H.M.O.P.No.75 of 2023, dated 13.10.2025.

2.Heard Mr.A.Senthil Kumar, learned Counsel for the Revision Petitioner and Mr.P.Dhinesh Kumar, learned Counsel representing Mr.C.M.Arumugam, learned Counsel for the respondent.

3.The respondent is the husband and the petitioner is the wife. Their marriage was solemnized on 28.06.2017 and out of their wedlock, they blessed with a male child. Due to misunderstanding arose between them, both of them are living separately and the respondent herein has filed a petition for divorce in H.M.O.P.No.75 of 2023. The said petition was allowed and thereafter, the petitioner herein has filed an application in I.A.No.7 of 2024 seeking maintenance. The learned Judge, Family Court, Thanjavur, vide impugned order, dated 13.10.2025, had allowed the said application and directed the



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respondent to pay a sum of Rs.15,000/- towards maintenance for the wife and the son from the date of the order and Rs.20,000/- towards educational expenses. Challenging the same, the wife has filed the present Civil Revision Petition.

4.The learned Counsel for the petitioner submitted that the petitioner is only aggrieved that while granting the relief, the Court below has erroneously directed the respondent to pay the maintenance amount from the date of order, which is *per se* illegal. He vehemently contended that as per the dictum laid down by the Hon'ble Supreme Court in various judgments, the maintenance shall be awarded from the date of filing of the application and not from the date of order and hence, he seeks modification of the impugned order.

5.The learned Counsel for the respondent submitted that even though the respondent is aggrieved by the order passed by the Court below, he strongly refuted the submissions made by the learned Counsel for the petitioner and submitted that awarding of maintenance by the Court below from the date of order is a reasonable one and there is no illegality for the same. Hence, he



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seeks dismissal of this petition.

6.This Court considered the submissions made on either side and perused the materials available on record.

7.From the perusal of the records, it is revealed that the Court below has ordered maintenance of Rs.15,000/- for the wife and son from the date of order and Rs.20,000/- for educational expenses. However, as per the law laid down by the Hon'ble Supreme Court, it is well settled that maintenance shall be awarded from the date of filing of the application and not from the date of order. In such view of the matter, the impugned order passed by the learned Judge, Family Court, Thanjavur, in I.A.No.7 of 2024 in H.M.O.P.No.75 of 2023, dated 13.10.2025, is hereby modified to the extent that the respondent shall pay the maintenance amount, as awarded by the Court below, from the date of application.



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8. Accordingly, the Civil Revision Petition is allowed. No costs.

19.02.2026

Internet : Yes/No
NCC : Yes/No
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To

The Judge, Family Court, Thanjavur.



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N.SENTHILKUMAR, J.

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