



CRP(MD). No.552 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 26/02/2026

CORAM

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

CRP(MD). No.552 of 2026 and
CMP(MD).No. 2475 of 2026

E.Machlin Jawahar

... Petitioner

Vs

T.Sandhya

... Respondent

PRAYER :-

Civil Revision Petition filed under Article 227 of the Constitution of India to the fair and decreetal order made in IA No.4 of 2025 in IDOP No.869 of 2025 dated 15.12.2025 on the file of the Family Court, Padmanabhapuram, Kanyakumari and thus render justice.

For Petitioner : Mr. Sailendrababu.G,

ORDER

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WEB COPY This Civil Revision Petition has been filed challenging the fair and decretal order passed in I.A. No.4 of 2025 in I.D.O.P. No.869 of 2025 dated 15.12.2025 on the file of the Family Court, Padmanabhapuram, Kanyakumari.

2. The impugned order relates to the grant of interim maintenance of Rs.10,000/- per month to the respondent/wife. Aggrieved by the said order granting interim alimony, the present Civil Revision Petition has been filed by the petitioner.

3. The learned counsel appearing for the revision petitioner submitted that the respondent/wife was employed as an Assistant Professor in Bethlehem Institute of Engineering. According to the learned counsel, the certificate produced by the respondent would clearly indicate that she was employed earlier and possessed the necessary qualifications and capacity to earn. It was further submitted that the respondent has suppressed her earning capacity and has intentionally remained idle only to claim maintenance.



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4. The learned counsel for the petitioner further contended that two minor children are presently in the custody of the revision petitioner, and therefore the petitioner is already burdened with the responsibility of maintaining the children. In support of his contention, the learned counsel relied upon the order of the Delhi High Court in ***Crl. Rev. No. 273 of 2023 and Crl.M.A. No.6767 of 2023***, wherein the Court observed as follows:

“47. Taking into consideration the observations made hereinabove, this Court is of the view that qualified wives, having the earning capacity but desirous of remaining idle, should now set up a claim for interim maintenance. Section 125 of the CrPC carries the legislative intent to maintain equality among the spouses, provide protection to the wives, children and parents, and not promote idleness. In light of the same, this Court is of the considered view that a well-educated wife, with experience in a suitable gainful job, ought not to remain idle solely to gain maintenance from her husband. Therefore, interim maintenance is being discouraged in the present case as this Court can see potential in the petitioner to earn and make good of her education.”

5. Placing reliance on the above judgment, the learned counsel for the petitioner submitted that the respondent being a qualified person with prior employment experience should not be granted interim maintenance.



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However, it is to be noted that the interlocutory application before the Family Court was filed seeking maintenance pendente lite in matrimonial proceedings. The principles governing maintenance under matrimonial statutes cannot be equated in entirety with the provisions contained under Section 125 of the Criminal Procedure Code, though both provisions are intended to provide financial support to the dependent spouse.

6. Merely because the wife is educated or had been previously employed cannot by itself be a ground to deny maintenance, particularly when there is no material placed before the Court to establish that she is presently gainfully employed or receiving a regular income sufficient for her sustenance. The Family Court, after considering the materials placed on record, has awarded a sum of Rs.10,000/- per month as interim maintenance, which cannot be said to be excessive or unreasonable in the facts and circumstances of the case. This Court does not find any illegality, irregularity or perversity in the order passed by the Family Court warranting interference in the exercise of revisional jurisdiction.

7. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, the connected



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Miscellaneous Petition is closed.

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TRP

Index : yes / no

Internet : yes / no

TO

Family Court, Padmanabhapuram, Kanyakumari



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N. SENTHILKUMAR,J

TRP

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