

**IN THE COURT OF JUDICIAL MAGISTRATE COURT AT SIRKALI**

Present: R.Kailaash, B.A., B.L.,  
Judicial Magistrate  
Sirkali.

19<sup>th</sup> day of November 2025, Wednesday

**CrI.M.P.No. 1532 of 2025**

in

**D.V.C.No. 13 of 2025**

1. Poongodi  
W/o. Karunanithi

2. Minor. Rithika  
Rep.by her mother Poongodi

... Petitioners/Wife & Daughter

-Vs-

Karunanithi  
S/o. Chakravarthi

... Respondent/Husband/Father

This petition came for final hearing on 19.11.2025 in the presence of Advocate Mrs.J.K. Juliyamarklin B.B.A., B.L, the counsel for the Petitioner and Mr.R.Balaji B.Sc.,B.L the counsel for the Respondent. After hearing the submissions of the petitioner side and perusal of records placed before me, I understood and deliver the following,

**ORDER**

1. This Petition has been filed by the Petitioners/wife & minor child for the relief of Interim Maintenance pending disposal of the main Domestic Violence case.

**2.Contention of the Petitioners:**

The Marriage between the 1<sup>st</sup> petitioner and the respondent took place on 21.08.2008 and it is an arranged marriage. Then the 2<sup>nd</sup> petitioner was born to them. Later the respondent became addicted to alcohol and completely neglected the petitioners. The respondent to fight with them all the time and the 1<sup>st</sup> petitioner had to go for daily wage work for their survival. The respondent had deserted the petitioners

on 08.05.2005. Hence, the petitioners have filed application before this court claiming various reliefs under the act. Therefore, the petitioners are praying for grant of Interim Maintenance at the rate of **Rs.15,000/-** per month for the day-to-day, medical, rental and educational expenses till disposal of the main application.

**3. Contention of the Respondent:**

The respondent has adopted the counter filed in the main application. The allegations in the main application and this petition was denied as false allegations. According to the respondent, the marriage between him and the 1<sup>st</sup> petitioner is a love marriage and are relatives to each other. Since the 1<sup>st</sup> petitioner had lost her mother in her childhood, the father of the respondent who is a retired Block Development Officer fostered the 1<sup>st</sup> petitioner from her childhood. He had spent for the educational expenses of her and had arranged for the marriage between her and the respondent. The marriage related expenses were borne by the respondent's family including gold jewels. After marriage the respondent had gone abroad for 3 years and worked there. At that time the 1<sup>st</sup> petitioner did not take care of the parents of the respondent. She had in fact scolded the mother of the respondent in filthy language and had assaulted her as well as the father of the respondent. Also, the 1<sup>st</sup> petitioner had illicit relationship with another man and when the respondent asked about this she had even assaulted him with a knife. Then the matter was taken before AWPS, Sirkali by the respondent and the policemen had warned the 1<sup>st</sup> petitioner. Despite the same, the 1<sup>st</sup> petitioner is continuing with her illicit relationship. Only for the purpose of hiding her fault the 1<sup>st</sup> petitioner is propagating falsehood against the respondent. Also, the 1<sup>st</sup> petitioner has an evil motive to take away the pension amount of the father of the respondent. The 1<sup>st</sup> petitioner is earning well as a Teacher in a Matric School in which the 2<sup>nd</sup> petitioner is studying. Only the respondent has suffered because of the petitioner and living in the pension amount of his father. Thus, as the respondent is not in a position to even maintain himself this petition is liable to be dismissed.

**04.** Heard both sides. Perused the case records.

05. This petition is for the relief of interim maintenance pending disposal of the main D.V. Application. Section 23 of the Protection of Women from Domestic Violence Act, 2005 empowers the court to grant interim maintenance as one of the interim reliefs when the court deems it just and proper. The said section also lays down the fundamental conditions for grant of such interim relief as the application u/s 12 of the D.V. act that has been filed by the petitioner should prima facie disclose the commission of domestic violence and on such satisfaction interim relief can be granted on the basis of the affidavit filed by the petitioner. The principles governing the grant of interim maintenance as crystallised in the judgment of Hon'ble Supreme Court of India dated 04.11.2020 in *Rajnish Vs. Neha & Anr (Crl.A.No.730/2020)* is as follows:

i) The object of these provisions being to prevent vagrancy and destitution, the Magistrate has to find out as to what is required by the wife to maintain a standard of living which is neither luxurious nor penurious, but is modestly consistent with the status of the family. The needs and requirements of the wife for such moderate living can be fairly determined, only if her separate income, also, is taken into account together with the earnings of the husband and his commitments.

ii) The object of maintenance proceedings is not to punish a person for his past neglect, but to prevent vagrancy and destitution of a deserted wife by providing her food, clothing and shelter by a speedy remedy.

iii) It is the sacrosanct duty of the husband to provide financial support to the wife and minor children, the husband is required to earn money even by physical labour, if he is able-bodied, and could not avoid his obligation, except on any legally permissible ground mentioned in the statute.

iv) The financial position of the parents of the applicant-wife, would not be material while determining the quantum of maintenance.

v) An order of interim maintenance is conditional on the circumstance that the wife or husband who makes a claim has no independent income,

sufficient for her or his support. It is no answer to a claim of maintenance that the wife is educated and could support herself.

**vi)** the financial capacity of the husband, his actual income, reasonable expenses for his own maintenance, and dependant family members whom he is obliged to maintain under the law, liabilities if any, would be required to be taken into consideration, to arrive at the appropriate quantum of maintenance to be paid.

**vii)** The maintenance amount awarded must be reasonable and realistic, and avoid either of the two extremes i.e. maintenance awarded to the wife should neither be so extravagant which becomes oppressive and unbearable for the respondent, nor should it be so meagre that it drives the wife to penury. The sufficiency of the quantum has to be adjudged so that the wife is able to maintain herself with reasonable comfort.

**viii)** The living expenses of the child would include expenses for food, clothing, residence, medical expenses, education of children. Education expenses of the children must be normally borne by the father. If the wife is working and earning sufficiently, the expenses may be shared proportionately between the parties.

**ix)** Maintenance be awarded from the date on which the application was made before the concerned Court. The right to claim maintenance must date back to the date of filing the application, since the period during which the maintenance proceedings remained pending is not within the control of the applicant.

**x)** The order of maintenance may be enforced as a money decree of a civil court as per the provisions of the CPC, more particularly Sections 51, 55, 58, 60 r/w. Order XXI.

**05.** With the aforesaid settled principles in mind, the facts of the case on hand must be analysed. The marriage and childbirth between the parties are not in dispute. The main application of the 1<sup>st</sup> petitioner prima facie discloses the commission of domestic violence. The 1<sup>st</sup> petitioner had elaborately stated on the

application the various kinds of abuses caused to her and her daughter by the respondent such as beating, refusal to spend for even basic needs, verbal abuse etc. The Hon'ble Delhi High Court in its judgment dated 09.09.2024 in *X vs. The State (Govt. of NCT of Delhi) & Anr (Crl.Rev.P. 1083/2023, Crl.M.A. 27842/2023 & Crl.M.A. 27843/2023)* has held to the effect that unlike Section 125 CrPC, maintenance under the DV Act is not linked to the inability of the wife to maintain herself. Similarly, the very same Hon'ble court in its judgment dated 07.01.2025 in *X. vs Y. (Crl.M.C.No.4406/2019)* has held that while the veracity of the case of the wife would be tested during the course of trial, interim relief can be granted merely upon the satisfaction that the application by the wife prima facie disclosed the commission of domestic violence. All the same, the 1<sup>st</sup> petitioner is a working woman and the respondent alleged that she is earning Rs.20,000/- per month. So far, the assets and liabilities of the parties has not been filed in this case.

06. Therefore, on holistic consideration of the pleadings, affidavits and documents available on records, employment status of the 1<sup>st</sup> petitioner, non-filing of statement of assets and liabilities, this court deems it fit to order for payment of nominal amount as Interim Maintenance to 1<sup>st</sup> petitioner at the rate of **Rs.2,000/-** per month and **Rs.5000/-** per month to the 2<sup>nd</sup> petitioner. The said maintenance is ordered to be paid from the date of filing of this interim petition. ie. from 01.11.2025 onwards. Though the petitioners had filed a school fee receipt along with the petition, in the absence of specific prayer regarding the same in the petition, this court is not inclined to grant any relief connected to the school fees.

In the result, this petition filed by Petitioners/Wife & minor daughter is partly allowed. Accordingly, the Respondent/Husband/Father is hereby directed to pay interim maintenance at the rate of **Rs.7,000/- per month** in total for the petitioners which is liable to be **calculated from the date of filing of this petition for interim maintenance**. i.e from 01.11.2025 until disposal of the main D.V. application. It is also made clear that the due date for making the first instalment payment is

**19.12.2025.** The arrears of interim maintenance liable to be paid from 01.11.2025 till date ie.19.11.2025 is ordered to be paid within **19.01.2026.**

Dictated to typist, typed by him, corrected and pronounced by me in the open Court on this 19<sup>th</sup> day of November 2025.

Judicial Magistrate  
Sirkali

**The Petitioner side oral witnesses/Documents:** -Nil-

**The Respondent side oral witnesses/Documents:** -Nil-

Judicial Magistrate  
Sirkali.