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Crl.M.P.No.1473 of 2025

IN THE COURT OF THE JUDICIAL MAGISTRATE, KARAIKUDI

PRESENT: THIRU. J.KARMEGAKANNAN, B.A., B.L.,

JUDICIAL MAGISTRATE, KARAIKUDI

Monday, the 29<sup>th</sup> day of June 2026

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In

D.V.C.No.08 of 2025

CNR No.TNSV19 – 003 – 054 – 2025

1. Kaleeswari @ Tamlarasi,

W/o. Muruganantham

Mathoor Main Road,

Iluppakudi,

Karaikudi, Sivagangai District.

2. Jayganesb, (Minor)

D/o. Muruganantham,

( 2<sup>nd</sup> Petitioner is represented

through the 1 st petitioner as his

mother and the natural guardian

..... Petitioners

-VS-

1.Muruganantham,

S/o.Subramani,

Door No.1/180, Visalayankottai,

Karaikudi Taluk, Sivagangai District.

2.R. Subramani,

S/o.Ramachandran,

Door No.1/180, Visalayankottai,

Karaikudi Taluk,

Sivagangai District.

.....Respondents



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This petition is coming on 29.06.2026 for final consideration before me, in the presence of counsel Mr.L. Balasubramanian for the Petitioners and Mr.KP. Mahesh for the Respondent and upon hearing both side, and perusing the case records, this court delivered the following:

**ORDER**

1.The present petition has been filed by the 1st petitioner for herself and on behalf of the 2nd minor petitioner under Section 23(2) of the Protection of Women from Domestic Violence Act, 2005, seeking a direction against the 1st respondent to pay a sum of Rs.25,000/- each to the petitioners, totalling Rs.50,000/- per month, as interim maintenance pending disposal of the main petition.

2. The case of the petitioners is that the 1st petitioner has already filed the main petition under Section 12 of the Protection of Women from Domestic Violence Act seeking various reliefs under Sections 18, 19, 20 and 22 of the Act. According to the petitioners, the 1st respondent is the husband of the 1st petitioner and the 2nd respondent is her father-in-law. Their marriage was solemnized on 13.09.2007 at Arulmigu Kundrakudi Shanmuganathan Temple. At the time of marriage, the petitioner's family allegedly presented 33 sovereigns of gold jewels, 3½ kilograms of silver articles, Rs.50,000/- in cash and household articles worth about Rs.2,00,000/- as Sridhana. It is alleged that



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immediately after the marriage the respondents pledged the jewels of the 1st petitioner for construction of a house. The petitioners further state that the 1st respondent used to consume alcohol, assault the 1st petitioner and abuse her in filthy language. After one year of marriage, when the 1st petitioner became pregnant, the doctors advised her to take complete rest. Thereafter, the 1st respondent went to Malaysia for employment and the 1st petitioner stayed at her parental home for delivery. On 15.05.2009, the 2nd petitioner was born. The petitioners further state that after the birth of the child, the 1st petitioner returned to the matrimonial home. According to her, the 2nd respondent occupied her room and permitted several men and women to use the same. When she questioned such conduct, the 2nd respondent allegedly informed her that the house belonged to him and directed her to leave for her parental home. Thereafter, her parents arranged a separate rented house at Karaikudi where she has been residing along with the minor child. It is further alleged that the 2nd respondent abused her on several occasions and that whenever she complained to the 1st respondent, he supported his father instead of protecting her. The petitioners further state that the 2nd petitioner is now studying in the 11th Standard and they are finding it difficult to meet their day to day expenses and educational needs. It is also the case of the petitioners that the 1st respondent is employed in Malaysia in a car washing company, earning about Rs.3,00,000/- per month and owning several properties. According to the petitioners, after



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returning to India the 1st respondent started residing in the house of his aunt's daughter, namely Sundari. They further allege that one Srinivasan, Kalaiyarasi, Sivanantham and Sundaram attempted to arrange a second marriage for the 1st respondent. In this regard, the 1st petitioner lodged complaints before Kallal Police Station and later before the All Women Police Station, Karaikudi, on 03.12.2024. It is also alleged that the above persons demanded Rs.5,00,000/- from the 1st petitioner as a condition for allowing her to live with the 1st respondent. Since the respondents have failed to maintain the petitioners despite the alleged financial capacity of the 1st respondent, the present petition has been filed.

3. The 1st respondent filed a detailed counter, which has also been adopted by the 2nd respondent. The respondents denied almost all the allegations made in the petition. They admitted the marriage between the 1st petitioner and the 1st respondent and also admitted the birth of the 2nd petitioner. However, they denied the allegations regarding the jewels, Sridhana articles, physical assault, verbal abuse and the alleged conduct attributed to the 2nd respondent. They also denied the allegation that the 2nd respondent had subjected the 1st petitioner to any form of sexual abuse. According to the respondents, the 1st respondent had been extending financial assistance to the petitioners for the past several years. They further contended that the 1st



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respondent had only a meagre income and had been unemployed for the last two years and was surviving with the help of his relatives. The respondents further contended that on 29.03.2024 the 1st respondent had lodged a complaint before Kallal Police Station against the 1st petitioner. According to them, the 1st petitioner had taken away valuable articles belonging to the respondents and an FIR had been registered against her and her family members. They further submitted that a counter case has also been instituted by the petitioners. According to the respondents, it is only because of these disputes that the 1st respondent has been residing in his sister's house. They also denied the allegations made against Srinivasan, Kalaiyarasi, Sivanantham and Sundaram. It is their further case that the 1st respondent never earned Rs.3,00,000/- per month as alleged and that the 1st petitioner herself is employed as a library staff member in Alagappa University and is receiving a monthly salary. They further claimed that the 1st respondent had been sending money to the petitioners through various persons, including his father, and therefore prayed for dismissal of the petition.

4. This court heard the learned counsel appearing on both sides and carefully perused the entire materials available on record.



5. At the out set it is to be noted that, this petition is confined only to the limited question of grant of interim maintenance under Section 23(2) of the Protection of Women from Domestic Violence Act. Both parties have made several allegations and counter allegations against each other relating to acts of domestic violence, misappropriation of property and other disputes. Those issues require appreciation of oral and documentary evidence and can be finally decided only during the trial of the main petition. At this interlocutory stage, this court is not expected to record any final finding regarding those disputed facts.

6. It is an admitted fact that the relationship of husband and wife between the 1st petitioner and the 1st respondent exists. It is also admitted that the 2nd petitioner is their minor child. It is further not disputed that the petitioners and the 1st respondent are presently living separately. Therefore, the obligation of the husband to maintain his wife and minor child, subject to the evidence available at this stage, cannot be ignored.

7. Though the 1st respondent contended that he had been sending money to the petitioners and that the 1st petitioner is employed in Alagappa University, no reliable document has been produced by him to establish regular payment of maintenance or the exact income of the 1st petitioner. Likewise, the



petitioners have also not produced any document to substantiate their allegation that the 1st respondent is earning Rs.3,00,000/- per month in Malaysia.

8. Both parties have filed affidavits of assets and liabilities in accordance with the principles laid down by the Hon'ble Supreme Court in *Rajnesh v. Neha*. In her affidavit, the 1st petitioner has stated that she is working as an Office Assistant in Alagappa University and is earning about Rs.7,000/- per month. She has also claimed that the 1st respondent is earning Rs.3,00,000/- per month. On the other hand, the 1st respondent has stated in his affidavit that he was receiving Rs.1,00,000/- per month only till July 2025 and that the 1st petitioner is earning Rs.25,000/- per month. Thus, both parties have made conflicting claims regarding each other's income without producing convincing documentary proof.

9. This court is also conscious of the fact that the 2nd petitioner is a school going child studying in the 11th Standard and requires financial support for her education, food, clothing and other basic needs. The contention of the 1st respondent that he is presently unemployed and dependent upon his relatives cannot, by itself, be accepted as a ground to deny interim maintenance. It is well settled that an able bodied husband cannot avoid his legal obligation to maintain his wife and minor child merely by pleading



unemployment. This point has also been decided by the Hon'ble Apex court in Rajnesh vs Neha and the relevant portion of the said dictum is extarcted hereunder for better appreciation;-

*“ An able-bodied husband must be presumed to be capable of earning sufficient money to maintain his wife and children, and cannot contend that he is not in a position to earn sufficiently to maintain his family, as held by the Delhi High Court in Chander Prakash Bodhraj v Shila Rani Chander Prakash. The onus is on the husband to establish with necessary material that there are sufficient grounds to show that he is unable to maintain the family, and discharge his legal obligations for reasons beyond his control. If the husband does not disclose the exact amount of his income, an adverse inference may be drawn by the Court.*

*This Court in Shamima Farooqui v Shahid Khan cited the judgment in Chander Prakash (supra) with approval, and held that the obligation of the husband to provide maintenance stands on a higher pedestal than the wife”*

10. Even assuming that the income of the 1st respondent is not substantial, an able bodied husband cannot avoid his responsibility to maintain his wife and child by merely pleading low income or unemployment. Moreover, merely because the wife is educated and earning, it cannot be a valid ground to deny or reject her claim for maintenance. Similarly, even if the wife





is earning some income, that alone is not sufficient to reject her claim for maintenance unless it is shown that her income is adequate to maintain herself and the child with dignity. In the present case, there is no satisfactory material to show that the income of the 1st petitioner is sufficient for such maintenance. This point has been held by the Hon'ble Hon'ble Supreme Court in a judgment reported in (2017) 15 SCC 801 (Manish Jain Vs. Akanksha Jain) in paragraph No.16 has held as follows:

*“16. An order for maintenance pendente lite or for costs of the proceedings is conditional on the circumstance that the wife or husband who makes a claim for the same has no independent income sufficient for her or his support or to meet the necessary expenses of the proceeding. It is no answer to a claim of maintenance that the wife is educated and could support herself. Likewise, the financial position of the wife's parents is also immaterial. The Court must take into consideration the status of the parties and the capacity of the spouse to pay maintenance and whether the applicant has any independent income sufficient for her or his support. Maintenance is always dependent upon factual situation; the Court should, therefore, mould the claim for maintenance determining the quantum based on various factors brought before the Court.”*

11. It is also pertinent to note that though several allegations have been made against the 2nd respondent, no interim monetary relief has been



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specifically sought against him in the present petition. Therefore, no order directing payment of maintenance can be passed against the 2nd respondent.

12. In the result, this petition is partly allowed. The 1st respondent is directed to pay interim maintenance of Rs.10,000/- (Rupees Ten Thousand only) per month to the 1st petitioner and Rs.15,000/- (Rupees Fifteen Thousand only) per month to the 2nd petitioner. The said amount shall be paid on or before the 5th day of every English calendar month and shall be payable from the date of filing of this petition until further orders or till disposal of the main petition. The petition, insofar as the relief sought against the 2nd respondent is concerned, stands dismissed.

Order pronounced by me in the open court on the 29<sup>th</sup> day of June 2026.

Judicial Magistrate,  
Karaikudi.