

**IN THE COURT OF THE SESSIONS JUDGE, MAHALIR NEETHIMANDRAM,
(FAST TRACK MAHILA COURT), THANJAVUR**

Present: Tmt.A. Deepa, B.A., M.L.,
Sessions Judge,
Mahalir Neethimandram, (Fast Track Mahila Court)
Thanjavur.

Tuesday, the 23rd day of June 2026
(2057 Thiruvalluvar Aandu, Paraabava Varudam, Aani thingal 9th day)

Criminal Appeal No. 23 of 2026
(CNR No. TNTJ010002952026)

Name of the Trial Court : Judicial Magistrate,
Additional Mahila Court, Thanjavur

Trial court case Number : Cr.M.P. No.422 of 2024 in DVC No.20 of 2024

Criminal Appeal Number : Crl.A. No. 23 of 2026

Name of the Appellant / Petitioner : Lilly Lydia (29),
D/o. Samuvel Sparjan Kay,
W/o. Joshua,
No 1/212,L.J.nagar,
Tamil University post,
Thanjavur District

Name of the Respondent/
Respondent : L. Joshua, (30),
S/o. Lazer
No. 136, South Street,
Muthandipatti,
Sengipatti Valli,
Thanjavur District

Judgment of the Trial court : Interim maintenance of Rs.4000/- ordered to be
paid from date of petition and further on the

first date of every English Calendar month

Judgment of the Appellate Court : ***In result,***
i. Appeal stands dismissed

ii. The order of Judicial Magistrate,
Additional Mahila Court, Thanjavur in
Crl.MP No 422/2024 in DVC No
20/2024 dated 09.10.2025 stands
confirmed.

Date

1. Presentation	: 08.01.2026
2. Filing	: 04.02.2026
3. Notice issued for Appeal	: 05.02.2026
4. Appearance of Respondent	: 25.02.2026
Last Hearing	: 01.06.2026
Judgment	: 23.06.2026

This Criminal Appeal came for final hearing before this Court in the presence of Mr. K.Parthiban, Advocate for the Appellant/Petitioner, though the respondent entered appearance through Thiru.A.Anbuganapathi, Advocate, did not place any arguments and on hearing the Appellant and on perusal of available material records as well on hearing the Appellant and having stood over the consideration till this day, this Court delivers the following:

JUDGMENT

1. The present appeal is preferred by the petitioner aggrieved over the quantum awarded as monthly maintenance in Crl.MP.No 422/2024 in DVC No. 20/2024 dated 09.10.2025 by the Judicial Magistrate, Additional Mahila Court, Thanjavur, seeking enhancement of the same.

2. *Crl.M.P No.422/2024 : (Before the trial court)*

Petition filed by the petitioner / wife seeking interim maintenance for herself and her minor son till the disposal of the DVC case pending.

3. *Petition Averments:*

The petitioner is married to the respondent and is now residing with her parents along with her minor son. The 2nd respondent in the main case is the mother of the respondent and the third is his sister. This petitioner has filed DVC against the respondents seeking various reliefs. After the marriage, the respondents continuously ill-treated the petitioner, behaved her family and the petitioner lived with R1 even though she under went mental agony and finally a son was born on 15.01.2023 even after the birth of the son, the present respondent along with his family found fault that the promised money and car were not given to him. To escape from the action to be initiated by this petitioner, the present respondent filed IDOP. No. 250/2023 seeking restitution. The respondent never had any intention to live with this petitioner and is not providing the needed assistance to this petitioner and her son. The petitioner is now leading her life depending on her parents. The respondent is working as a permanent electrical maintenance keeper and is earning Rs. 15,000/- per month. He also owns immovable property

out of which he earns Rs. 5 lakhs. Hence, this petition is filed seeking interim maintenance of Rs.25,000/- per month and Rs.1,00,000/- for medical and other expenses.

4. Averments in the counter filed by the respondent:

This respondent is working as a contract labourer in a private company CISB services private limited. He is earning Rs. 9,777/- per month. This respondent never earned Rs. 50,000/- as averred in the affidavit. This respondent is ready to live with the petitioner and her son. Hence, this petition is to be dismissed.

5. Based on the above pleadings and the oral submissions, the trial court went ahead to grant Rs. 4,000/- as interim maintenance from the date of the petition and further to continue to pay on or before the 5th of every English calendar month until the disposal of the main petition.

6. Aggrieved over the quantum of maintenance ordered by the trial court, the petitioner has preferred this appeal for enhancement on the following grounds:

- The trial court failed to consider that after the petitioner and her son were deserted by the respondent and they were unable to run their day to day life.
- The petitioner though had studied M.Sc. Fashion Technology, after marriage she was dependant on the respondent and has no other source of income.

- The trial court failed to consider that respondent is working in SBI Thanjavur main branch as electrical supervisor and he earns Rs.50,000/- per month and also owns immovable properties earning Rs.5 lakhs per year.
- The trial court has observed that only at the time of trial the income of the parties can be decided which is totally erroneous.
- The trial court interim award of Rs.4,000/- is very less and the petitioner along with her son is unable to run her day to day life.

Therefore, the order of the trial court in Crl.M.P 424/2024 in DVC No 20/2024 granting Rs.4,000/- as maintenance be enhanced in favour of the present appellant/petitioner.

7. Points for consideration:

- i. Whether the appellant has made out a case for enhancement of maintenance ?
- ii. Whether the order of the trial court granting maintenance is to be modified in this appeal?

8. For brevity the parties as they stood before the trial court are referred as such in this appeal also.

DISCUSSION & DECISION

9. Point No.1 & 2 :

The petitioner is the wife who has filed the DVC No. 20/2024 against the present respondent and as well his mother and sister. The present petition pertains to interim maintenance, prayed by the wife for the maintenance of herself and her minor son. The petitioner is said to be depending on her parents and as the present respondent being the husband and father deserted them and failed to provide the basic necessities, this interim maintenance application was filed. The trial court after hearing both ordered Rs.4,000 as interim maintenance from the date of the petition until the disposal of the main DVC 20/2024.

10. The petitioner not satisfied with the said order of Rs.4,000/- as interim maintenance, has preferred this appeal on the same grounds and without any other additional document or change in circumstances for enhancing the interim maintenance already granted by the trial court. The grievance of the petitioner in this appeal is that the respondent was employed as an electrical supervisor at SBI, Main branch, Thanjavur and is said to be earning Rs.50,000 per month. Therefore, as this amount of Rs.4,000/- was not enough to provide the medical facility and as well education to the minor, the enhancement is sought by way of

this Appeal.the by way of this appeal, being not satisfied with the quantum granted by the trial court.

11.This is an application for interim maintenance alone and only on the basis of the pleadings placed, to provide for the wife and son during the pendency of this main petition, they must not be allowed to live in poverty and without being provided by the person who has a duty cast upon him, the trial court ordered Rs.4,000 as interim maintenance. Even along with the present counter statement, the respondent has submitted his salary certificate dated 25.02.2025 wherein he is a worker on contract basis and earning only Rs.9,777/- . If really as averred by the petitioner that the respondent is employed as a permanent employee with SBI, main branch, Thanjavur, nothing prevented her from procuring the needed details of his employment from the nationalized bank SBI.

12.With the available facts, as it is the duty of the husband to maintain the wife and child, at the same time he cannot be pushed to poverty and therefore, when considering the entire facts before the trial court and as well before this court, the order of the trial court in granting Rs.4000/- as interim maintenance needs no interference. The petitioner has not placed any record to show the income of the respondent, that the respondent was a permanent employee of the SBI, nor details about he owning immovable property, the revenue records could have

been placed to show before this court that he earns Rs.5 lakhs per annum. Therefore, these details, the oral submissions and the affidavit averments at present in the interim stage cannot be of any use especially for an enhancement. The trial court after considering all these aspects, went ahead to grant Rs.4,000/- as interim maintenance and when the petitioner has not placed any medical records to show that the minor child was in need of any treatment, this court declines to interfere with the order of the trial court in granting interim maintenance of Rs.4000/- per month and thus, these points are answered.

13. In result,

- i. Appeal stands dismissed
- ii. The order of the Judicial Magistrate, Additional Mahila court, Thanjavur in CrI.M.P.No.422/2024 in DVC. No 20/2024 dated 09.10.2025 stands confirmed.

Dictated to the steno-typist, transcribed and typed by her, corrected and pronounced by me in open court on this the 23th day of June 2026.

**Sessions Judge,
Mahalir Neethimandram (FTC),
Thanjavur.**

Annexure :

Additional evidence on either side : - - - NIL - - -

**Sessions Judge,
Mahalir Neethimandram (FTC),
Thanjavur.**