

**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. 24 of 2026
(CNR No. TNTJ010082222025)

Name of the Trial Court : Additional Mahila Court, Thanjavur

Trial court case Number : Cr.M.P. No.1298 of 2024 in DVC No.58 of 2024

Criminal Appeal Number : Crl.A. No. 24 of 2026

Name of the Appellant/Petitioner : Victoria (34),
W/o. A. Celestin Jerald,
No.55,2 nd Street,
Shanmuganathan Nagar,
Villar Road
Thanjavur

Name of the Respondent/Petitioner : A. Celestin Jerald (41),
S/o. Arokiyaraj,
No.F6,A.M.K.Apartment,
Pookara Veeravandaiyar Street,
N.K.Road,
Thanjavur

Judgment of the Trial court : Interim maintenance of Rs.5000/- (5000/- in words and Rs.7000/- in number) 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 is allowed
- ii. There by enhancing the interim maintenance amount of Rs.5000/- as ordered by Judicial Magistrate, Additional Mahila Court, Thanjavur in CrI.M.P No. 1298/2024 in DVC No. 58/2024 to Rs.10,000/-, and the further order by the trial court in other respect stands confirmed.

Date

1. Presentation	: 06.02.2026
2. Filing	: 05.02.2026
3. Notice issued for Appeal	: 11.02.2026
4. Appearance of Respondent	: Nil
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 and Respondent/Respondent not appearing and not presenting Thiru.A. Bharathi, Advocate for the Respondent/Respondent 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. This Appeal is preferred by the aggrieved petitioner as against the order dated 03.06.2025 by Judicial Magistrate, Additional Mahila Court, Thanjavur in Crl.M.P No. 1298/2024 in DVC No. 58/2024.

2. ***Cr.M.P. No.1298/2024 : (Before the trial court)***

Petition filed U/s 23 of DV Act seeking monthly maintenance Rs.30,000/-, rent of Rs. 7000/- and Rs.3 lakhs per annum for the medical and educational expenses of the children.

3. ***Petition averments:***

The petitioner and the respondent were married on 22.08.2012. The petitioner has studied B.E. and the respondent has completed his M.Tech. He is now working as an Associate Professor at Sastra University and earning Rs.1.50 lakhs per month. From the date of marriage the respondent and his mother ill-treated this petitioner and never provided the basic needs, to lead a peaceful life. They always pointed out that the jewels and sridhana given to the petitioner are not enough and always harassed her demanding more amount. The dispute was always compromised by the relatives and the petitioner started leading a life with the respondent from october 2020. From october 2022 the respondent is not

residing with the petitioner and their 2 children, he is residing separately along with his mother. Due to the activities of the respondent and his mother, this petitioner has been mentally and physically harassed and is completely dependant on her parents for leading a normal life. The respondent is not even providing for the education of the children. Apart from earning salary at the University, he owns immoveable properties and is earning Rs.50,000/- per month. Hence, this petition seeking monthly rent, monthly maintenance and as well amount per year for the medical and educational expenses of the children.

4. Averments in the counter statement filed by the respondent:

The marriage and the birth of the 2 children are admitted. This respondent is earning Rs.60,000/- and never demanded or expected any dowry from the petitioner or from her parents. This respondent always took care of his children, was providing them with the necessary education whereas the petitioner insisted this respondent to lead a luxurious life and threatened the respondent to not provide any thing for his mother. This respondent had even purchased of plot by availing loan which was also subsequently sold to repay to Bank loan and the loan incurred with private parties. Even when this petition is filed the respondent was the one who was taking care of the petitioner and his children. This respondent is always ready to lead a life with the petitioner and the petitioner is

employed, earning considerable income. Therefore, this petition seeking interim maintenance is to be dismissed.

5. Based on the above pleadings the trial court had granted interim maintenance of Rs.7000/- from the date of the petition and continue to pay until the disposal of the main petition, every month. Aggrieved over the said order the present appeal has been preferred by the petitioner seeking enhancement of the maintenance amount on the following grounds:

- The trial court failed to consider the fact that the respondent is working as an Assistant Professor in Sastra University and earning around Rs.1.50 lakhs as income.
- The discussion made by the trial court regarding the amount of salary, the amount incurred by the respondent as housing loan, were intentionally obtained to avoid paying maintenance to the petitioner and her children.
- The petitioner is working in finance company only on a temporary basis and this fact has not been properly appreciated by the trial court.
- The trial court failed to appreciate the facts placed by the petitioner in this application and ordered very low amount which has to be enhanced by this appeal.

6. Points for consideration:

Whether the order of the trial court needs to be interfered and the interim maintenance amount is to be enhanced?

7. For brevity the parties as they were arrayed before the trial court are referred as such in this appeal also.

Discussion & Decision On The Point Raised :

8. The petitioner is the wife and the respondent is the husband, against whom this application was filed seeking interim maintenance for herself and for her two children. The trial court had ordered Rs. 7000/- as referred in numbers in the order and Rs. 5000/- (Rupees Five thousand) in words, as interim maintenance to the present petitioner and her two children. This appeal has been preferred by the petitioner seeking enhancement of the interim maintenance, as the respondent who is working as an Assistant professor in Sastra University failed to maintain them and as he has considerable income, the amount now ordered as interim maintenance is very meager and prayed for enhancement.
9. The respondent even along with his counter statement had placed the copy of the sale deed, the loan closure certificate, the statement of accounts from 01.01.2022 to 31.12.2024 and as well the receipts reflecting the payment of the school fees

by the respondent and finally the loan recently availed by the respondent for a house in March 2025.

10.The respondent contends that he has to take care of his mother, he was ready to lead a life with his wife whereas the petitioner was the one refusing to reside with him and he claims to have paid the necessary fee for the education of his two children. The respondent/husband had indeed placed records as referred above showing that he had incurred a home loan in March 2025, contending that he was incurring expenses and cannot spend on maintenance of his wife and children, Supreme Court on 16.04.2026 in ***Deepa Joshi .Vs. Gaurav Joshi*** reported in ***2026 live law (SC) 387*** has held that the deductions arising out of financial commitments such as loan repayments cannot be treated on par with necessary expenditure so as to substantially reduce the liability of maintenance. Further, the court emphasised that the obligation to maintain a spouse is a primary duty and cannot be subordinated to such financial arrangements. Therefore, the fact that the respondent has incurred a loan cannot be a ground to reduce the maintenance.

11.The respondent would also contend that the wife was working in a financial company and was earning income. Whereas Supreme Court in ***Chaturbhuj vs Sitabai*** on 27.11.2007 reported in ***AIR 2008 SC 530: 2008(1) SCC (CRI) 356***

wherein it was held that the wife unable to maintain herself does not mean a wife must be entirely destitute. Even if she earns monthly income she can still claim maintenance if her income is insufficient to support herself. In the present case also though the petitioner / wife is earning Rs. 5000/-, it is inadequate for her, insufficient not just to support herself but also to maintain and care for her two school going small children.

12. The present appeal has been preferred seeking enhancement of the maintenance ordered by the trial court. The trial court in its order has granted interim maintenance of Rs. 7,000/- in numbers and in words is referred as ரூபாய். 5000/- மட்டும் that is Rs. 5000/- only. As there is a discrepancy in the numbers and in words, this court relies upon Sec. 18 of Negotiable Instruments Act, it reads,

“If the amount undertaken or ordered to be paid is stated differently in figures and in words, the amount stated in words shall be the amount undertaken or ordered to be paid.”

Therefore, the order of the trial court mentioning Rs. 5000/- as interim maintenance in words is the amount to be paid by the respondent.

13. Considering the job, the permanent income being received by the respondent / husband, this court hereby enhances the maintenance to Rs.10,000/-, as the two children are studying and the petitioner cannot sustain with her income to

maintain herself and as well her two children. Therefore, the maintenance amount of Rs. 5000/- granted by the trial court is enhanced to Rs. 10,000/- from the date of the interim maintenance application, further it is to be paid on or before the 5th of every English calendar month, until the disposal of the main DVC petition. Thus, this point is answered.

14. In result

- i. Appeal is allowed
- ii. Thereby enhancing the interim maintenance amount of Rs.5000/- as ordered by Judicial Magistrate, Additional Mahila Court, Thanjavur in Crl.M.P No. 1298/2024 in DVC No. 58/2024 to Rs.10,000/-, and the further order by the trial court in other respect 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.**