

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NOS.....OF 2025
(@SLP(CRL.) NOS.10976-10977/2019)**

YAMUNA

...APPELLANT(S)

VERSUS

M. TAMILARASAN

...RESPONDENT(S)

O R D E R

1. Leave granted.
2. The present appeals by the wife assail the correctness of the order dated 18.02.2019, passed by the Madras High Court allowing the criminal revision petition filed by the respondent-husband against an order of maintenance dated 25.04.2017, passed by the II Additional Family Court at Chennai ("Family Court") awarding Rs. 4,000/- as monthly maintenance under Section 125 of Code of Criminal Procedure, 1973 (hereinafter referred to as, "CrPC").
3. The appellant and the respondent were married on 07.11.2011 as per the Hindu rites and customs. They lived together for some time. Subsequently, a discord arose between the parties as a result of which, sometime in 2012,

they parted ways. The respondent-husband instituted a suit for divorce in the year 2012. The appellant filed an application for maintenance under Section 125 of CrPC. The Family Court awarded Rs. 4,000/- per month as monthly maintenance *vide* order dated 25.04.2017. Aggrieved by the same, respondent-husband preferred criminal revision petition before the Madras High Court, which has since been allowed by the High Court. Aggrieved by the same, the present appeals have been preferred.

4. This Court, while issuing notice, *vide* order dated 26.11.2019, stayed the operation of the order passed by the High Court. Thereafter, the matter was listed on 06.07.2023 when this Court was apprised that despite having interim order passed in appellant-wife's favour, the respondent had not paid any maintenance to her, even though it was a meagre amount. Pursuant to a couple of orders passed by this Court, the respondent cleared all the arrears at the rate of Rs. 4,000/- per month as is reflected from the order dated 24.08.2023. Thereafter the respondent-husband has been regularly paying Rs. 4,000/- per month.
5. We have heard learned counsel for the parties. The following facts emerged from the material on record:
 - i. The respondent has been working as the Superintendent in the Office of Regional Joint Director, Veterinary Department, Tamil Nadu and his

salary slip before 2017 reveals that his gross salary was Rs.47,535/-, total deductions were Rs. 37,995/- and his take home salary was Rs. 9,540/-. The appellant had claimed Rs. 15,000/- per month as monthly maintenance in her application under Section 125 of CrPC.

- ii. The Family Court considered various proceedings inter se parties which included petition for restitution of conjugal rights and a divorce petition after 2 years both filed by the appellant-wife. On the other hand, the respondent-husband had only filed the divorce petition and made no effort to bring back his wife, by way of filing any petition under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights.
- iii. Taking note of the behaviour of the parties, the Family Court concluded that if the appellant-wife was really deserting her husband, he would have been the one to file an application for restitution of conjugal rights and not the wife and thus, it would be incorrect to return a finding that the appellant-wife is voluntarily deserting her husband.
- iv. In such circumstances, the Family Court found that the appellant-wife has made out a case for grant of maintenance and is therefore, entitled to monthly

maintenance and awarded Rs. 4,000/- per month, *vide* judgment dated 25.04.2017.

- v. The perusal of the impugned order of the High Court would go to show that after noticing the basic facts and the respective arguments of the counsels, the revision has been allowed only for the reasons stated in paragraph no.7 which in our considered view could not have been grounds to allow the same. Paragraph no.7 simply states that the wife has not proved that the husband, despite having means, had neglected or refused to maintain her and therefore she is not entitled to get maintenance.
6. In our view, the High Court did not consider the findings recorded by the Family Court and the material considered by it on the basis of which it had found the wife to be entitled for maintenance. Neither did the High Court consider those materials as we did not find any discussion in the impugned order, nor did the High Court reverse the findings of the Family Court. Therefore, the impugned order passed by the High Court is unsustainable in law.
7. Learned counsel for the appellant has submitted that the respondent-husband is drawing salary of more than Rs.1,00,000/- at present. He also submitted that the appellant-wife has no source of income and that the

amount of Rs. 4,000/- awarded by the Family Court is too meagre for the appellant-wife to sustain herself. It was thus submitted that this Court may award a reasonable amount as maintenance taking into consideration the monthly salary of the respondent-husband. Learned counsel for the respondent-husband does not dispute the salary being received by the respondent as submitted by the counsel for the appellant but has vehemently opposed the enhancement of the maintenance submitting that the respondent-husband has a huge liability for his parents and sister to support.

8. Having considered these submissions, we are of the considered view that the appellant-wife is entitled to maintenance of Rs. 25,000/- per month, with an annual increase of 5% per annum.
9. Normally, under Section 125 of CrPC, entitlement of the maintenance arises from the date of submitting the application and accordingly we would have directed the respondent-husband to pay the arrears at the rate of Rs. 25,000/- from the date of the application. However, since we are fixing Rs. 25,000/- as the maintenance amount today, considering his salary to be Rs. 1,00,000/-, we are of the view that in order to adjust equity between the parties, it would be just and fair to fix the arrears of maintenance at Rs. 10,000/- per month from the date of application till

October, 2025.

10. As the respondent-husband has already paid the maintenance at Rs. 4,000/- per month, he shall pay the difference of Rs. 6,000/- per month from the date of application till October 2025, within a period of six months in six equated monthly installments. Further with effect from November 2025, the maintenance would be paid at the rate of Rs. 25,000/- per month, and this amount shall be enhanced by 5% every year, effective from the month of November each succeeding year.
11. The impugned order dated 18.02.2019, passed by the High Court is set aside, and maintenance is fixed as noted in the preceding paragraph. Monthly maintenance shall be paid in advance, on or before the 10th day of each month. However, the maintenance for November 2025 may be paid on or before 30th November, 2025.
12. The appeals are allowed in the above terms.
13. Pending application(s), if any, shall stand disposed of.

.....J.
[VIKRAM NATH]

**NEW DELHI
NOVEMBER 14, 2025**

.....**J.**
[SANDEEP MEHTA]

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 10976-10977/2019

[Arising out of impugned final judgment and order dated 18-02-2019 in CRLRC No. 191/2018 18-02-2019 in CRLMP No. 1702/2018 passed by the High Court of Judicature at Madras]

YAMUNA

Petitioner(s)

VERSUS

M. TAMILARASAN

Respondent(s)

Mediation Report received

IA No. 175138/2019 - EXEMPTION FROM FILING O.T.

IA No. 11183/2021 - GRANT OF INTERIM RELIEF

IA No. 166162/2023 - GRANT OF MAINTENANCE

Date : 14-11-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) : Mr. Rahul Sharma, Adv.
Mr. S. Santanam Swaminadhan, Adv.
Ms. Abhilasha Shrawat, Adv.
Ms. Vaisnavi Jay, Adv.
Mr. Shikhar Bhardwaj, Adv.
Mrs. Aarthi Rajan, AOR

For Respondent(s) : Mr. M.P. Parthiban, AOR
Ms. Priyaranjani Nagamuthu, Adv.
Mr. Bilal Mansoor, Adv.
Mr. Shreyas Kaushal, Adv.
Mr. S. Geyolin Selvam, Adv.
Mr. Alagiri K, Adv.
Mr. Shivansh Sharma, Adv.
Mr. Rohan Singh, Adv.
Mr. Abhishek S, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeals are allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

**(SONIA BHASIN)
ASSISTANT REGISTRAR-CUM-PS**

**(RANJANA SHAILEY)
ASSISTANT REGISTRAR**

[Signed order is placed on the file]