



WEB COPY

CRL RC No. 1434 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL RC No. 1434 of 2026

and

CrI.M.P.No.12367 of 2026

Vaithiyalingam @ Suresh

..Petitioner(s)

Vs

1. Devi @ Shobana Devi

2. Minor.Jai Shree

3. Minor.Abimanyuu

..Respondent(s)

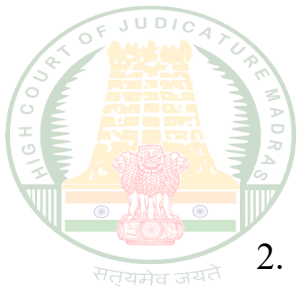
Prayer: This Criminal Revision Case has been filed under section 438 r/w. 442 of BNSS,to call for the records and set aside the Order dated 26/05/2026 passed in M.P.No.379 of 2025 in M.C.No.244 of 2022 by the learned VII Additional, Principal, Judge, Family Court, Chennai.

For Petitioner(s):

Mr.P.K.Mohan Vel

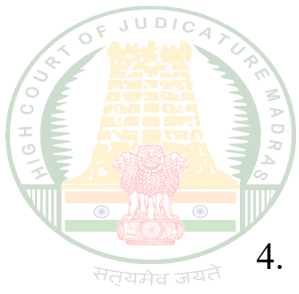
ORDER

This Criminal Revision Petition has been filed challenging the order dated 26.05.2026 passed by the VII Additional Principal Judge, Additional Family Court, Chennai, in M.P.No.379 of 2025 in M.C.No.244 of 2022.



2. The facts of the case in brief is that, the first respondent, who is the wife of the petitioner has filed a maintenance case in M.C.No.244 of 2022 before the Family Court, Chennai, and notices were sent to the petitioner. He had engaged a counsel to defend the petitioner in the divorce case in O.P.No.2501 of 2021 and O.P.No.5439 of 2021 for restitution of conjugal rights.

3. On 12.08.2022, the petitioner received notice in the M.C.No.244 of 2022, through RPAD, filed by the first respondent, but he did not appear for the trial on the date fixed by the Family Court. The petitioner had engaged a counsel, who did not cooperate with him in conducting the case and did not inform him about the case status and proceedings. Thereafter, the learned magistrate passed an ex-parte order in M.C.No.244 of 2022 dated 29.12.2022 and directed the petitioner to pay a sum of Rs.5,000/- to the first respondent, wife; Rs.10,000/- each to both the children, second and third respondents and a total amount of Rs.25,000/- and O.P.No.2501 of 2021, dated 30.01.2023, granting divorce. It was contended that more than Rs.8,75,000/- is due as arrears, till the filing of this Criminal Revision petition. The petitioner is working as a Junior Assistant in Chennai Metropolitan Water Supply and Sewerage Board, Chindatripet, Chennai-2 and the children are studying in a private school and not respondent two is able to pay the school fees.



4. After considering the entire arguments advanced by the learned counsel for the petitioner and the grounds raised, the Family Court in M.P.No.379 of 2025 in M.C.No.244 of 2022 directed the petitioner to pay a sum of Rs.3,22,030/- (50% of the arrears of maintenance claimed by the respondents after deducting the amounts already paid by the petitioner) on or before 29.06.2026. Aggrieved by the order of the trial Court, the petitioner has filed this Criminal Revision Petition.

5. I have perused the impugned order passed by the VII Additional Principal Judge, Family Court, Chennai, it is not in dispute that the petitioner was unaware of the case proceedings as the counsel he engaged did not inform him about the case status in M.C.No.244 of 2022, directing the petitioner to pay a sum of Rs.5,000/- to the wife and Rs.10,000/- each to both the children, totaling to a tune of Rs.25,000/-. It is also not in dispute that the first respondent, wife, is bearing the entire family expenses and till the filing of the petition the total arrears due was Rs.8,75,000/-. It is not in dispute that the petitioner is working as a Junior Assistant in the Chennai, Metropolitan Water Supply and Sewerage Board, Chindadripet, and getting a handsome salary. Therefore, considering all the facts and circumstances of the case, the order passed by the Family Court is just and reasonable and does not need any interference.



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SHAMIM AHMED, J.

VCA

In the result, this Criminal Revision Petition is dismissed. Connected M.P is closed. The petitioner is directed to comply with the conditions as directed by the VII Additional Principal Judge, Family Court, Chennai, dated 26.05.2026, within a period of six weeks, from the date of receipt of a web copy of this order.

Registry is directed to send a copy of this Order to the VII Additional Principal Judge, VII Additional Family Court, Chennai, for necessary compliance and information.

16-07-2026

VCA
To,

1. II Additional, Principal, Judge,
Family Court, Chennai.
2. The Public Prosecutor,
High Court, Madras.

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