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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 07.08.2026

Pronounced on : 21.08.2026

CORAM

THE HON'BLE MR JUSTICE P. VELMURUGAN

CRL MP No. 24495 of 2025

in

Crl.R.C.No.285 of 2024

G.Rajapandi
S/O.Gurusamy,
No.45/17, Veerapandian Bomman Street, Paguthi,
Velachery Check Post,
Chennai.

..Petitioner(s)

Vs

Therasa
W/o.Rajapandi,
No.80, Pillaiyar Koil Street,
Maduravoyal, Chennai.

..Respondent(s)

To review the order passed by this Court in Crl.R.C.No.285 of 2024 dated 08.04.2025 by set aside the order passed by the V Additional Family Court, Chennai in M.C.No.417 of 2018.

For Petitioner(s): MR.N.BASKARAN

For Respondent(s): No Appearance

**ORDER**

This Miscellaneous Petition has been filed to review the order passed by this Court in Crl.R.C.No.285 of 2024 dated 08.04.2025 by set aside the order passed by the V Additional Family Court, Chennai in M.C.No.417 of 2018.

2. The case of the petitioner is that the respondent filed a maintenance case against him in M.C.No.417 of 2018 before the V Additional Principal Family Court, Chennai, as if the petitioner married her on 04.05.1985 and that she gave birth to a female child named Sheela in 1987. Thereafter, all of a sudden, the petitioner allegedly abandoned the respondent and their child. After 25 years, the respondent discovered the petitioner's whereabouts, but when she requested that he live with and take care of her, the petitioner refused to maintain her. Following an enquiry, the learned Judge, by an order dated 27.12.2023, directed the petitioner to pay a sum of Rs.20,000/- per month towards maintenance. Aggrieved by this order, the petitioner preferred a Criminal Revision Case before this Court in Crl.R.C.No.285 of 2024. When the matter came up for hearing on 25.03.2025 and 08.04.2025, there was no representation on behalf of the petitioner. Consequently, this Court perused the records and dismissed the Revision Case by an order dated 08.04.2025. Challenging the dismissal, the petitioner preferred an SLP before the Hon'ble Supreme Court. By an order dated 29.08.2025 in SLP (Criminal) Diary No.40199 of 2025, the Hon'ble Supreme Court directed the petitioner to apply



for procedural review before this Court to review the dismissal order. Hence, the petitioner has filed the present review petition.

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3. The learned counsel for the petitioner submitted that the petitioner worked in the National Agricultural Co-operative Market through a company called Federation of India, where the petitioner had taken an onion godown contract by grading the onions, clean and sold them and there were 40 women and 25 men working under the petitioner and that the respondent was one amongst the 40 women. Now, due to his age, the petitioner is not working anywhere and has no income and his sons are taking care of the petitioner's livelihood. He further submitted that the petitioner is residing at No.45/17, Veerapandian Bomman Street, Paguthi, Velachery Check Post, Chennai, Tamil Nadu for the past 40 years, whereas the respondent has deliberately given a wrong address in the notice, which was not served upon the petitioner and also in the maintenance application, which was not brought to the knowledge of this Court.

3.1 The learned counsel further submitted that the petitioner has no relationship with the respondent as husband and wife and therefore, the petitioner is not obligated to maintain the respondent. The fact remains that, the petitioner married one Vijaya on 26.11.1973, and out of their wedlock, two sons and two daughters were born (a female child name Deepa was born on 03.09.1976, a male child name Alagarsamy was born on 13.06.1978, another male child Ramesh was born on 25.05.1981 and again a female child Nishanthi



was born on 06.03.1986). The learned Family Court Judge, without verifying the marriage certificate or the documents proving the existence of the petitioner's legitimate children, erroneously found that the petitioner had taken the respondent as his second wife. Consequently, the court below directed the petitioner to pay a monthly maintenance of Rs.20,000/-, despite the respondent herself only claiming Rs.15,000/-.

3.2 The learned counsel further submitted that the respondent was legally married to one Logu @ Loganathan, who passed away on 30.07.1997. His death certificate was marked as Ex.R1 during the cross-examination of the respondent (PW-1). Out of that wedlock, two female children were born by name Sheeba and Sheela. The child Sheeba was born on 17.03.1979, whose birth certificate was marked as Ex.R2. The Trial Court erred in failing to consider that since the respondent's marriage with Logu @ Loganathan was subsisting and no divorce had been obtained, any alleged relationship with the petitioner, who was also a married man, remained illegal and could not support a finding of marriage. Furthermore, during cross-examination, the respondent admitted her legal marriage to Logu @ Loganathan and that two daughters, Sheeba and Sheela, were born from that wedlock. However, in her maintenance petition and proof affidavit, the respondent falsely asserted that she married the petitioner on 04.05.1985 and that Sheela was born to them in 1987, which is a completely fabricated and untrue statement. Although the respondent claimed that Sheela's birth was registered with the Corporation of Chennai, she failed to produce the



birth certificate.

3.3 The learned counsel also submitted that the trial Court failed to note that the respondent belongs to the Christian community while the petitioner belongs to the Hindu community. According to the respondent's own case, the alleged marriage was performed within "four walls" without conforming to the rites of any religion. She further admitted that because the ceremony took place in secrecy, her parents and siblings were unaware of it. The Trial Court also failed to appreciate the testimony of PW-2 (Saral), the respondent's sister, who claimed the marriage was solemnised in her presence along with their parents. This directly contradicts the respondent's version. PW-2 also admitted that the respondent had not obtained a divorce from Logu @ Loganathan through a court of law. Though the learned Judge explicitly noted the contradictions between the evidence of PW-1 and PW-2 regarding the place and solemnisation of the marriage, the court paradoxically accepted the factum of a second marriage. Such a marriage cannot be sustained or recognized in law. The learned counsel also submitted that the learned Judge erred in drawing an adverse inference against the petitioner solely based on a DNA test indicating that Sheela was born to the petitioner and the respondent, as a DNA match cannot legalise an otherwise void or non-existent marriage.

3.4 The learned counsel for the petitioner further submitted that the trial Court further erred by failing to consider that the petitioner, aged 73 years, is unemployed and dependent on his sons. In the affidavit of assets and liabilities,



the petitioner has mentioned that he has no income and he is dependent on his sons and even in the bank transactions, there is no entry for any income. Since the petitioner has no earnings, the direction to pay Rs.20,000/- per month is entirely arbitrary and baseless. Further, the learned Judge erred in shifting the burden on the petitioner to prove that he has not taken any steps to declare that the respondent is not his wife and the Sheela is not his daughter. The learned Judge erred in deciding the issue under Section 125 of the Cr.P.C. while the Section explicitly mandates that a person must maintain his wife, the learned Judge erroneously held that she need not decide upon the factum of marriage between the petitioner and the respondent.

3.5 The learned counsel further submitted that the respondent has not proved that she is the legally wedded wife of the petitioner or the petitioner is bound to maintain her under Section 125 Cr.P.C. Therefore, there is an apparent error on the face of the record in the order passed by the learned Judge, which has to be set aside.

3.6 The leaned counsel further submitted that subsequent to the order dated 27.12.2023 passed by the Family Court in the maintenance case, the respondent filed an application in M.P.No.171 of 2024 attempting to implement the order of the Family Court. Consequently, when the petitioner filed the revision case before this Court, he had also moved a stay petition and this Court passed a conditional order to pay a sum of Rs.5 lakhs to the respondent. Accordingly, the petitioner paid the said amount and there was a direction no to



take any coercive steps against the petitioner pending disposal of the revision petition. Now in view of the disposal of the revision case in Crl.R.C.No.285 of 2024 in favour of the respondent, the respondent is insisting to implement the order of the Family Court. He further submitted that due to unavoidable circumstances, he could not appear before this Court on the date of hearing of the revision petition on 25.03.2025 and 08.04.2025 and consequently, this Court by order dated 08.04.2026 dismissed the revision case on merits without hearing the petitioner. Now based on the directions of the Hon'ble Supreme Court to apply for procedural review before this Court to review the dismissal order, the present petition has been filed to review the order passed in Crl.R.C.No.285 of 2024. He further submitted that considering the facts now brought to the knowledge of this Court, the order passed by this Court in the Revision Case may be reviewed and the order passed by the learned Family Court Judge in the maintenance case may be set aside.

4. Though notice served and the respondent entered appearance through counsel, there is no representation for the respondent.

5. Heard the learned counsel for the petitioner and perused the materials available on record.

6. Admittedly, when the case in Crl.RC.No.285 of 2024 was taken up for hearing on 25.03.2025 and 08.04.2025, there was no representation for the petitioner. Hence, this Court by perusing the records, dismissed the revision case by an order dated 08.04.2025. Challenging the same, the petitioner



approached the Hon'ble Supreme Court and the Hon'ble Supreme Court vide order dated 29.08.2025 in SLP (Criminal) Diary No.40199 of 2025, directed the petitioner to apply for procedural review before this Court to review the dismissal order. Hence, the present petition has been filed by the petitioner.

7. According to the petitioner, the respondent is not his legally wedded wife and she was already married to one Logu @ Loganathan and had begotten two children from the said wedlock. The said Logu @ Loganathan passed away on 30.07.1997, and his death certificate was duly marked as Ex.R1 during the cross-examination of the respondent (PW-1). Furthermore, during her cross-examination, the respondent explicitly admitted to her legal marriage with Logu @ Loganathan and conceded that she had not obtained a divorce from him prior to his demise. Although the respondent falsely asserted that she married the petitioner on 04.05.1985 and that their daughter, Sheela, was born to them in 1987, her marriage with Logu @ Loganathan was actively subsisting on the alleged date of marriage (04.05.1985) with the petitioner. Consequently, any alleged relationship with the petitioner, who was also a married man at the time, remained illegal, null, void, and non-est in the eye of law. Therefore, the petitioner is not legally liable to pay any maintenance to the respondent. Furthermore, the respondent filed the maintenance petition after an inordinate delay of 25 years from the date of the alleged marriage. At the time of filing the maintenance case, the petitioner was already 73 years of age, unemployed, and entirely dependent on his sons for his livelihood. In his Affidavit of Assets and



Liabilities, the petitioner explicitly stated that he has no independent source of income and relies solely on his sons, a fact further corroborated by his bank statements, which reflect no income entries. Despite these stark facts, the learned Family Court Judge gravely erred in directing the petitioner to pay a monthly maintenance of Rs.20,000/- to the respondent without any valid reason. This order is entirely arbitrary, baseless, and perverse, especially given that the respondent herself had only claimed an amount of Rs. 15,000/-.

8. Though the respondent has not proved that she is the legally wedded wife of the petitioner, however the expert opinion and the DNA test report reveals that the petitioner is the biological father of the child Sheela born to the respondent, which shows that there was a live in relationship between the petitioner and the respondent. The first husband of the respondent namely Logu @ Loganathan is no more. Under these circumstances, though the respondent is not the legally wedded wife of the petitioner, since there was a live in relationship between the petitioner and the respondent, the petitioner is liable to pay maintenance to the respondent.

9. The Hon'ble Supreme Court in ***Chanmuniya Vs. Virendra Kumar Singh Kushwaha & Another, reported in (2011) 1 SCC 141***, has held that a woman in a live-in-relationship is entitled to maintenance.

10. In the present case, although the petitioner is stated to have previously worked at the National Agricultural Co-operative Market through a company called the Federation of India, where he took an onion godown contract to



grade, clean, and sell onions, it is submitted that due to his advanced age, he is no longer employed, has no independent income, and is dependent on his sons.

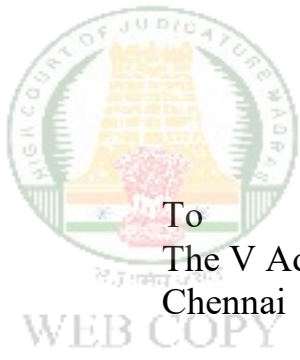
Furthermore, the respondent has not produced any material evidence to prove that the petitioner is still working or earning, nor does the petitioner's statement of assets and liabilities reveal that he has the financial capacity to pay a sum of Rs.20,000/- to the respondent. Therefore, instead of the Rs.20,000/- awarded by the Family Court, considering the petitioner's age and current circumstances, the petitioner is directed to pay a sum of Rs.5,000/- per month to the respondent towards maintenance.

11. Since this Court earlier dismissed the Revision Case without hearing the petitioner and now this Court finds some error apparent on the face of the record that the respondent is not the legally wedded wife of the petitioner and the income of the petitioner is not proved, **this Review Petition stands allowed.**

12. Consequently, the Criminal Revision Case is partly allowed to the extent that instead of Rs.20,000/-, the petitioner is directed to pay Rs.5,000/- (Rupees Five Thousand Only) per month to the respondent towards maintenance and the order of the Family Court stands modified to that extent.

21-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To
The V Additional Family Court,
Chennai



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P.VELMURUGAN, J.

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