



Crl.R.C.Nos.892 &893 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.Nos.892 & 893 of 2025 and
Crl.MP.Nos.12180 & 12182 of 2025

Crl.RC.No.892 of 2025

M.Moovendhan

... Petitioner

Vs.

1.Jayasheeli
2.Narthamizh
3.Arun Thamizh
(minor 2nd and 3rd respondents are represented
by their mother)

..... Respondents

PRAYER:

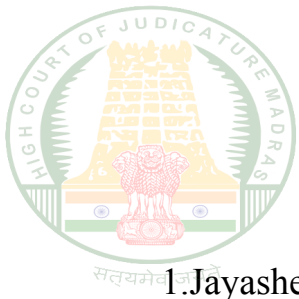
Criminal Revision Case is filed under Sections 438 r/w 442 of BNSS, 2023, praying to call for the records in MP.No.2031 of 2024 in MC.No.470 of 2022 on the file of the VI Additional Principal Family Court, Chennai and to set aside the order passed in MP.No.2031 of 2024 in MC.No.470 of 2022 dated 20.01.2025 on the file of the VI Additional Principal Family Court, Chennai.

For Petitioner : Mr.P.Venugopal

Crl.RC.No.893 of 2025

M.Moovendhan

... Petitioner



Crl.R.C.Nos.892 &893 of 2025

Vs.

1.Jayasheeli

2.Narthamizh

3.Arun Thamizh

(minor 2nd and 3rd respondents are represented
by their mother)

..... Respondents

PRAYER:

Criminal Revision Case is filed under Sections 438 r/w 442 of BNSS, 2023, praying to call for the records in MP.No.2030 of 2024 in MC.No.470 of 2022 on the file of the VI Additional Principal Family Court, Chennai and to set aside the order passed in MP.No.2030 of 2024 in MC.No.470 of 2022 dated 20.01.2025 on the file of the VI Additional Principal Family Court, Chennai.

For Petitioner : Mr.P.Venugopal

COMMON ORDER

These criminal revision cases have been filed against the orders passed in MP.Nos.2030 & 2031 of 2024 in MC.No.470 of 2022 dated 20.01.2025 on the file of the VI Additional Principal Family Court, Chennai, thereby allowing the petition filed seeking to condone the delay in filing a petition to set aside the exparte order dated 25.07.2023 and the petition filed seeking to set aside the said exparte order on condition that the petitioner shall deposit the entire arrear of maintenance in the bank account of the first respondent herein.

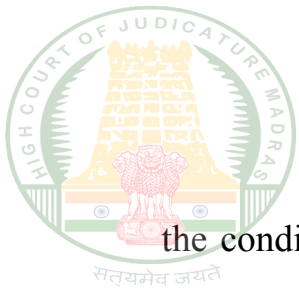
2. The petitioner is the husband of the first respondent. They gave



birth to the second and third respondents herein. Due to misunderstanding, they got separated. Therefore, the respondents could not maintain themselves. As such, the respondents filed the maintenance petition in MC.No.470 of 2022, during the trial of which the petitioner was absent. Therefore, he was set *ex-parte* and the main case was allowed in favour of respondents 2 and 3 herein, thereby the petitioner was directed to pay monthly maintenance of Rs.6,000/- to each of the respondents. Thereafter, the petitioner filed a petition to set aside the *ex-parte* order along with a condone delay petition. Though both the petitions were allowed, condition has been imposed on the petitioner to deposit the entire arrear amount of maintenance.

3. The learned counsel for the petitioner would submit that the petitioner's counsel did not inform about the proceedings of the maintenance case and in fact, it was referred for mediation. However, it was not informed to the petitioner. Further, the petitioner is now unemployed and he is not earning considerably to deposit the entire arrear amount as he is doing only sticker business.

4. Considering the above submission, this Court is inclined to modify



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the condition in respect of depositing the entire arrear amount of maintenance imposed on the petitioner.

5. Accordingly, only in respect of depositing the arrear amount of maintenance, the impugned orders passed in MP.Nos.2030 & 2031 of 2024 in MC.No.470 of 2022 dated 20.01.2025 on the file of the VI Additional Principal Family Court, Chennai is modified to the effect that “the petitioner shall deposit 50% of the entire arrear amount of maintenance in the bank account of the first respondent.

6. With the above modification, both the criminal revision cases stand disposed of. Consequently, connected miscellaneous petitions are closed.

27.06.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To
VI Additional Principal Family Court, Chennai

G.K.ILANTHIRAIYAN, J.



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