



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.R.C.No.1633 of 2025
and Crl.M.P.No.16695 of 2025**

Balu

...Petitioner

Versus

1.Kalaivani

2.Minor Rohith

3.Minor Hari Roshini

Minor Respondents 2 & 3
Rep. by mother and guardian
Kalaivani

...Respondents

This Criminal Revision Case is filed under Section 397 & 401 of Cr.P.C and Section 438 r/w. 442 of BNSS, 2023 praying to set aside the Order dated 12.09.2019 made in M.C.No.11 of 2018 on the file of Family Court, Cuddalore.

For Petitioner : Mr.V.Balamurugan

For Respondents : Mr.K.Gandhi Kumar



ORDER

This Criminal Revision Case has been filed by the petitioner seeking to set aside the Order dated 12.09.2019 in M.C.No.11 of 2018 passed by the learned Judge, Family Court, Cuddalore.

2. The brief facts of the case are that the petitioner and 1st respondent are husband and wife. They have a minor son viz., Rohith (2nd respondent) and a minor daughter viz., Hari Roshini (3rd respondent). The 1st respondent/wife had filed a Maintenance Case in M.C.No.11 of 2018 under Section 125 of Cr.P.C before the Family Court, Cuddalore seeking to direct the petitioner/husband to pay a sum of Rs.10,000/- per month to 1st respondent/wife towards food & shelter and a sum of Rs.20,000/- per month to respondents 2 & 3 towards their educational expenses. The learned Judge, Family Court, Cuddalore vide Order dated 12.09.2019, partly allowed M.C.No.11 of 2018 by directing the petitioner/husband to pay a sum of Rs.4,000/- per month to 1st respondent/wife and a sum of Rs.6,000/- per month to respondents 2 & 3 towards alimony, on or before 5th day of every English Calendar month and further directing the petitioner/husband to pay the said amount to the respondents, from the date of filing of petition i.e.,



from the month of March, 2016. Aggrieved by the said order, petitioner/husband has filed the present Criminal Revision Case.

3. The learned counsel for petitioner/husband submitted that petitioner/husband is willing to provide food and shelter to his wife and children, but, he is financially struggling a lot to eke out his livelihood since he has no permanent job and his monthly income is very meagre. Hence, petitioner/husband is not in a position to pay alimony to the respondents as ordered by the Family Court. Therefore, the learned counsel prayed that the impugned order passed by the learned Judge, Family Court, Cuddalore may be set aside.

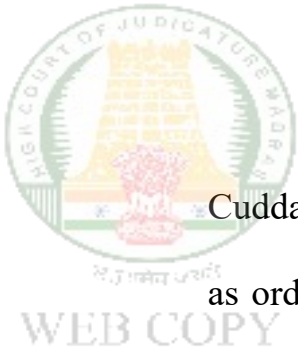
4. The learned counsel appearing on behalf of the respondents submitted that the petitioner/husband is working as a Cook at Neyveli Thermal Power Station and he is earning Rs.300/- per day, but, he did not come forward to pay alimony to the respondents as per the order of Family Court, Cuddalore. Therefore, learned counsel prayed that this Criminal Revision Case may be dismissed and the impugned order passed by the Family Court, Cuddalore may be confirmed.



5. Heard the learned counsel on either side and perused the materials available on record.

6. In the present case, the Family Court, Cuddalore has passed an Order dated 12.09.2019 in M.C.No.11 of 2018 directing the petitioner/husband to pay Rs.4,000/- per month to 1st respondent/wife and Rs.6,000/- per month to respondents 2 & 3 towards alimony, on or before 5th day of every English Calendar month and also, directing the petitioner/husband to pay the said alimony from the date of filing of the Maintenance Petition. Aggrieved by the same, petitioner/husband has filed this Criminal Revision Petition before this Court.

7. From a perusal of the records, it is evident that petitioner/husband is working as a Cook at Neyveli Thermal Power Station and he is earning Rs.300/- per day, but, he has not come forward to pay alimony to the respondents as ordered by the Court below. It is also evident that this Court vide order dated 04.09.2025, granted an interim order of stay in favour of petitioner/husband on condition that petitioner/husband shall pay a sum of Rs.4,00,000/- to the credit of M.C.No.11 of 2018 on the file of Family Court,



Cuddalore, but, the petitioner/husband has not paid the conditional amount as ordered by this Court and hence, the said stay order was vacated by this Court vide order dated 14.10.2025.

8. I am of the opinion that there is no merit in the case of petitioner/husband. That apart, I do not find any reason to interfere with the impugned order passed by the Court below.

9. For the foregoing reasons, this Criminal Revision Case is dismissed and Order dated 12.09.2019 in M.C.No.11 of 2018 passed by the Family Court, Cuddalore is confirmed. Liberty is granted to the 1st respondent/wife to execute the Order dated 12.09.2019 in M.C.No.11 of 2018 passed by the Family Court, Cuddalore, in the manner known to law, within a period of twelve weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

10.11.2025

mrr

Index: Yes/No

Speaking Order (or) Non-Speaking Order



To
WEB COPY

1. Family Court,
Cuddalore.
2. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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