



Crl.R.C.No.1493 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2025

CORAM:

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

Crl.R.C.No.1493 of 2025 and
Crl.MP.No.15780 of 2025

Babu

..... Petitioner

Vs

1.Magalakshmi

2.B.Mithransai, minor

3.B.Virat Sai, minor

..... Respondents

PRAYER:

Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, praying to set aside the order passed in Crl.MP.No.1429 of 2023 in MC.No.142 of 2021 dated 20.04.2024 on the file of V Additional Principal Family Court at Chennai.

For Petitioner : No appearance

ORDER

This criminal revision case has been filed against the order passed in Crl.MP.No.1429 of 2023 in MC.No.142 of 2021 dated 20.04.2024 on the file of V Additional Principal Family Court at Chennai, thereby allowed the petition to set aside the exparte order passed in MC.No.142 of 2021 dated 28.07.2023 on condition that the petitioner shall deposit 50% of the arrears of maintenance.

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



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birth to respondents 2 & 3. Due to misunderstanding, they got separated and as

such, the respondents could not maintain themselves. As such, they filed maintenance case in MC.No.142 of 2021. Though the petitioner received notice from the trial court in the maintenance case, he failed to appear before the trial court. Hence, he was set ex-parte and the trial court awarded maintenance payable by the petitioner in favour of the respondents. Subsequently, the respondents filed petition in MP.No.1424 of 2023 claiming arrears of maintenance to the tune of Rs.10,54,000/-. Only thereafter, the petitioner filed the petition to set aside the exparte order of maintenance before the trial court and the same was allowed on condition that the petitioner shall pay 50% of the arrears as claimed in MP.No.1424 of 2023 by 10.05.2024, failing which the petition shall stand dismissed. Aggrieved by the said order, the present criminal revision case has been filed.

3. On perusal of records, it is revealed that the petitioner failed to pay any maintenance as ordered by the trial court. Maintenance case is of the year 2021. Therefore, the respondent filed petition claiming arrears of maintenance. As such, the trial court rightly imposed condition while allowing the petition to set aside the exparte order. Hence, this Court finds no infirmity or illegality in the impugned order.

4. In view of the above discussion, this criminal revision case is



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dismissed. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
lok

G.K.ILANTHIRAIYAN, J.



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To
V Additional Principal Family Court at Chennai

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