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CRL RC No. 1662 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 1662 of 2025

AND

CRL MP NO. 16935 OF 2025

1. VINAYAGAM

S/o. Subramani, No.2, 3rd Cross Street,
Rajarathinam Nagar, Thiruverkadu,
Chennai - 600077.

Petitioner(s)

Vs

1. V.Susila

W/o. Vinayagam, No.2, Kasthuribai
Nagar, 3rd Street, Anakkaputhur,
Chennai - 600070.

2.Minor V.Barath

S/o. Vinayagam,

3.Minor V.Savitha

D/o. Vinayagam, The 2nd and 3rd
petitioners Rep by its Mother and
Natural Guardian, Mrs V.Susila, No.2,
Kasthuribai Nagar, 3rd Street,
Anakkaputhur, Chennai - 600070.

Respondent(s)



PRAYER

To set aside the judgement order in MC.No.27/2023 order dated 22.03.2024 on the file of the District Munsif Cum Judicial Magistrate, Pallavaram.

For Petitioner(s): K. G.Senthil Kumar
A.R.Palanisamy
S.Vinothkumar
M.Jayavardhan

For Respondent(s): Court Notice Service Awaited
For R1 To R3
Private Notice Permitted - Proof
Not Filed

M/s. R.Chitti Babu-ms/169/2004
For R1 To R3
Index To Typed Set Of Papers
Filed
Counter Affidavit Filed
Notice Paper

ORDER

This petition is filed to call for the records relating to the 22.03.2024 made in MC.No.27 of 2023 on the file of the District Munsif Cum Judicial Magistrate, Pallavaram and set aside the same by allowing this Criminal



Revision Petition.

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2. The facts of the case is that the petitioner married the first respondent on 11.05.2008 as per Hindu rites and customs. Out of the said wedlock two children was born to them who are second and third respondents. It is alleged that the petitioner behaved more violently with the first respondent/wife and ill-treated her. Due to which she was thrown out from the matrimonial home. The first respondent wife filed M.C.No.27 of 2023 on the file of the District Munsif Cum Judicial Magistrate, Pallavaram and the same was allowed on 22.03.2024 with a direction that the petitioner should pay a sum of Rs.16,000/- as maintenance to the respondents. Aggrieved over the same the petitioner has come up with this petition.

3. The learned counsel for the petitioner submits that the learned Judge without properly taking note of the income of the petitioner has passed the impugned order. It is pertinent to note that the learned Judge ought to have verified the assets and liabilities details of the petitioner, which was not done. It



is further stated that the petitioner as the summons was was not duly served to the petitioner he remained set ex-parte. Hence, prays to allow this petition.

4. The learned counsel for the respondents submits that there was default in payment of arrears of maintenance to a sum of Rs.3,00,000/- and also the maintenance amount. He further submitted that the petitioner is not taking care of the children and also failed to appear before the Court below. Hence prays to enhance the maintenance amount.

5. Heard both sides and perused the materials available on record.

6. On a perusal of records that the impugned order has been passed without hearing the petitioner and the reasons for the non-appearance of the petitioner is due to administrative transfer, hence the petitioner was not in a position to conduct trial. It is also pertinent to note that the petitioner has deposited a sum of Rs.2,00,000/- as arrears of maintenance by way of DD. However, according to respondent there was a default in payment of arrears of maintenance to a sum of Rs.3,00,000/-



7. Considering the facts of the case the order passed by the District Munsif Cum Judicial Magistrate, Pallavaram in MC.No.27/2023 is hereby set aside. The matter is remanded back to the District Munsif Cum Judicial Magistrate, Pallavaram for fresh disposal. However, the petitioner is directed to deposit a sum of Rs.3,00,000/- towards arrears of maintenance. The learned Judge is directed to take up the matter after payment of arrears amount of Rs.3,00,000/-. If the petitioner fails to deposit the amount the first respondent/wife is at liberty to take action against the petitioner in the manner known to law.

8. With the above directions this Criminal Revision case is disposed of. Consequently, the connected miscellaneous petition is closed.

18-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

smn

To.



CRL RC No. 1662 of 2025



District Munsif Cum Judicial Magistrate, Pallavaram.

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T.V.THAMILSELVI J.

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