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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2025

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**THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI**

Crl.R.C.No.1550 of 2025 and

Crl.M.P.Nos.4798 of 2025 and 16118 of 2025

Mr.J. Raja @ Rajasekar

... Petitioner

Vs.

T. Vidhya

... Respondent

**PRAYER :** This petition is filed under Section 438 r/w 442 of BNSS Act to set aside the order dated 19.06.2024 made in C.M.P.No.1 of 2023 in M.C.No.31 of 2020 on the file of the Family Court at Thiruppur and allow the Criminal Revision Petition.

For Petitioner : Mr. C.R.Gopinaath

For Respondent : Mr.T. Balaji

### **ORDER**

This Criminal Revision Case is filed to set aside the order dated 19.06.2024 made in C.M.P.No.1 of 2023 in M.C.No.31 of 2020 on the file of the Family Court at Thiruppur and allow the Criminal Revision Petition.

2. The marriage between the petitioner and the first respondent was



solemnized on 29.06.2015. Due to dispute arose between them, the respondent left the matrimonial home and stayed at her parents home. Thereafter, the respondent filed a petition for interim maintenance and the same was ordered wherein, a direction was issued to the petitioner to pay a sum of Rs.10,000/- as maintenance. The sum and substance of the case is that the due to illness the petitioner was unable to appear before the Court and the order passed in maintenance petition i.e MC.No.31 of 2020 is an ex-parte order. Hence the petitioner has filed a condone delay petition in C.M.P.No.1 of 2023 in M.C.No.31 of 2020 on the file of the Family Court at Thiruppur and the same was dismissed. Hence, this petition.

3. The learned counsel for the petitioner submitted that he is ready and willing to live with his wife and the respondent, who has not turned up inspite of several mediation talks. He further submits that due to the health issues the petitioner was unable to appear before the Court below and the same was not considered by the Court below and the learned Judge has erroneously dismissed the petition. Hence, prays to allow this Petition.

4. The learned counsel for the respondent submits that the petitioner with an intention to drag on the proceedings has not appeared before the Court below and



he is very hale and healthy to appear before the Court and contest the matter.

Hence prays to dismiss this petition.

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

6. On a perusal of the impugned order reveals the fact that the learned Judge has gone into each and every aspects and passed the order, wherein the maintenance of Rs.10,000/- was granted to the petitioner. The learned Judge further observed that the non-appearance of the petitioner is deliberate, due to which he has dismissed the delay petition in C.M.P.No.1 of 2023 in M.C.No.31 of 2020 which is the impugned order herein. Considering the fact that the petitioner has to take care of his aged parents and to maintain himself this Court is inclined to modify the maintenance amount.

7. In view of the above, this Court directs the maintenance amount is modified to Rs.8,000/- per month and the petitioner is directed to pay a sum of Rs.8,000/- per month/- to the respondent and the same shall be paid on or before 10<sup>th</sup> of every English calendar month until the same is modified by any Court. Further the petitioner is directed to deposit a sum of Rs.1,50,000/- towards the



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arrears of maintenance in M.C.No.31 of 2020 on the file of the Family Court at Thiruppur within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the petitioner is permitted to withdraw the same on proper identification.

8. With the above directions this Criminal Revision Case stands disposed of . Consequently the connected miscellaneous petition are closed.

**31.10.2025**

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To

The Family Court at Thiruppur

**T.V.THAMILSELVI, J.**



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