



C.R.P. No.5508 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

C.R.P. No.5508 of 2025

1.Kokilavani

D/o. Periyasamy,
Res. at Ellampalli Village,
Natappanhalli, Indur Post,
Nallampalli Taluk, Dharmapuri District.

2.Minor G.T.Karthik Iniyan

3.Minor G.T.Riyashini

(Minors rep. by their guardian and next friend, mother Kokilavani, Res. at Ellampalli Village, Natappanhalli, Indur Post, Nallampalli Taluk, Dharmapuri District.)

Petitioner(s)

Vs

G.Tamil Eniyan

S/o. Gopal,
No.5/1245-B, Sevatha Gounder Street,
Collectorate Post, Elakkiyapatti,
Dharmapuri Taluk and District.

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to direct the Family Court, Dharmapuri to number the claim petition made in unnumbered C.M.P. of 2025 in F.C.M.C.No.30 of 2022.

For Petitioner(s) : Mr.V.R.Anna Gandhi



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ORDER

The Civil Revision Petition is filed to number the claim petition made in unnumbered C.M.P. in F.C.M.C.No.30 of 2022. Since the application is yet to be numbered, I am dispensing with the notice to respondent.

2. The 1st petitioner is the wife of the respondent. The petitioners filed maintenance claim under Section 125 of Code of Criminal Procedure before the Family Court, Dharmapuri in M.C.No.30 of 2022. The said maintenance claim was ordered in favour of the 1st petitioner awarding a sum of Rs.4,000/- to be paid per month to each of the 2nd and the 3rd petitioners (minors represented by their natural guardian mother) towards maintenance besides Rs.15,000/- each per annum to be paid towards educational and other expenses of the 2nd and 3rd petitioners. The 2nd petitioner was entitled to maintenance until he attains majority and the 3rd petitioner is entitled to maintenance until she is married. The Court directed the arrears to be paid within a period of two months from the date of the said order.

3. Dissatisfied with the quantum of maintenance, 1st petitioner along with minor children filed Criminal Revision Petition is CrI.RC.No.1043 of 2024



before this Court. This Court vide order dated 25.06.2024 confirmed the award of maintenance. There has been a default in payment of maintenance as awarded by the Magistrate, hence, 1st petitioner filed an application in the maintenance case in M.C.No.30 of 2022 for disbursement of the amount due and payable to the minor children. The said application has been returned as not being in time, however, the same was represented by the petitioners by stating that the Hon'ble Supreme Court as well as this Court has held that such applications to be maintainable and despite the same, the Court has once again returned the application stating that the decisions are not applicable to the petitioners herein.

4. Heard Mr. Anna Gandhi, learned counsel for the petitioner.

5. Learned counsel for the petitioner would submit that the judgments which are submitted by the petitioners are squarely applicable to the facts and circumstances of this case. The Hon'ble Supreme Court has taken into account the fact that when the interest of minors are involved, limitation cannot come in the way and what operates as a bar is only Section 125(3) of Code of Criminal Procedure, which prevents detention of the respondent who is liable to pay maintenance, while making it clear that the entitlement of the persons for maintenance as awarded by the Magistrate is a continuing liability and hence



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there is no question of applying the one year limitation rule to such cases.

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6. This Court in the case of *Muthuvel vs. Nalini* reported in **CDJ 2015 MHC 7323** relying on the decisions of the Hon'ble Supreme Court held that Section 125 of Code of Criminal Procedure is a measure of social legislation and has to be construed liberally for the welfare of wife and children and it would be unreasonable on insisting to file successive applications, when the liability to pay for maintenance as per Section 125(1) of Code of Criminal Procedure is a continuing liability. This Court while interpreting the 1st proviso to Section 125 of the Code of Criminal Procedure, held that the said proviso did not extinguish or limit the entitlement of the appellants to maintenance granted by the learned Trial Court.

7. In the light of the settled legal position, Family Court, Dharmapuri has clearly fallen in error in returning the application and without even noticing the fact that the decisions relied upon by the revision petitioners are squarely applicable to the facts of the present case.

8. In view of the above, I am inclined to set aside the docket order dated 09.09.2025 returning the application. The Family Court, Dharmapuri shall



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number the application, if it is otherwise in order and shall proceed to decide the same on merits and in accordance with law.

9. Registry is directed to return the original Interim application filed by the petitioners within a period of 10 days from the date of receipt of a copy of this order to enable the petitioners to re-present the same before the Family Court, Dharmapuri.

10. In view of the limited prayer sought for by the petitioners, notice to the private respondent is dispensed with. The Civil Revision Petition is disposed of with the above directions. No costs.

11.11.2025

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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To:

The Family Court,
Dharmapuri.



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P.B. BALAJI, J.

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