



Crl.R.C.(MD)No.79 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.79 of 2025

V.Dominic Julian

... Petitioner

Vs.

1.S.Alphina Vinothini

2.Minor Yuvan Res Riyan
(*represented by mother and natural
guardian S.Alphina Vinothini*)

... Respondents

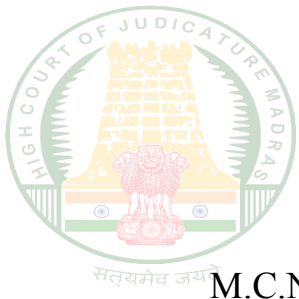
PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records and set aside the order passed by the learned Judge of the Family Court, Tiruchirappalli in M.C.No.132 of 2019 dated 04.10.2024 to set aside the same as illegal.

For Petitioner : M/s.A.Zubaita Banu

For Respondents : M/s.T.Banumathy

ORDER

This Criminal Revision is directed against the order passed in



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M.C.No.132 of 2019 dated 04.10.2024 on the file of the Family Court, Tiruchirappalli, directing the petitioner to pay monthly maintenance of Rs.15,000/- to the respondents from the date of petition.

2. Admittedly, the marriage between the petitioner and the first respondent was solemnized on 07.09.2014 and due to their wedlock, they were blessed with a son/second respondent herein. Subsequently, the petitioner had harassed the first respondent, due to which, they are living separately.

3. The first respondent for herself and on behalf of her minor son has filed a petition under Section 125 Cr.P.C. claiming maintenance. The learned Judge of Family Court, Tiruchirappalli, after conducting enquiry, has passed the impugned order directing the petitioner to pay monthly maintenance of Rs.8,000/- to the first respondent from the date of petition and Rs.7,000/- to the second respondent from the date of petition till he attains majority and also directed the petitioner to pay the arrears of maintenance amount in the same quantum from the date of filing of the petition within a period of three months from the date of that order.



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Aggrieved by the said impugned order, the present revision came to be filed.

4. It is evident from the records that this Court vide order dated 14.02.2025 directed the petitioner to deposit 75% of pending arrears of maintenance amount, on or before 14.03.2025 before the trial Court and posted the matter on 17.03.2025 for reporting compliance and when the matter was taken up on 17.03.2025, the learned counsel appearing for the petitioner submitted that the petitioner has not complied with the order of this Court nor filed any petition seeking extension and hence, this Court adjourned the matter on 01.04.2025 for orders. When the matter is taken up today, the learned counsel appearing for the petitioner would submit that the petitioner has not complied with the order of this Court.

5. It is pertinent to note that maintenance case came to be filed in 2019 and the impugned order came to be passed on 04.10.2024.

6. In similar matter, this Court in *Permalsamy Vs. Krishnaveni and other (Crl.R.C.(MD)No.307 of 2020 dated 03.04.2023)* had dealt



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with the above aspects and the relevant passages are extracted hereunder:-

*“14. At this juncture, it is necessary to refer the order of the Hon'ble Supreme Court in **Kiran Tomar and others Vs. State of Uttar Pradesh and another**, reported in 2022 SCC OnLine SC 1539, wherein, the order of the High Court setting aside the judgment of the Family Court was challenged and the Hon'ble Supreme Court, while setting aside the order the High Court, has passed an order directing the second respondent husband to comply with the interim order already passed by the Family Court on or before 31.12.2022 to pay the entire arrears of maintenance payable to the appellants and on compliance of the above condition, the impugned order of the High Court was ordered to be set aside and the Criminal Revision was ordered to be restored, but on the other hand, in the event that the second respondent husband fails to comply with the above direction for the payment of arrears of maintenance by 31.12.2022, the Criminal Revision instituted by the second respondent shall stand dismissed.*

15. As rightly contended by the learned counsel appearing for the respondents, considering the above, it is clearly evident that the Court can very well pass conditional order for the payment of maintenance



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arrears.

*16. Moreover, the Hon'ble Supreme Court in **Rajnish Vs. Neha and another** reported in (2021) 2 SCC 324, while giving guidelines for the fixation of maintenance amounts, has specifically held that striking off the defence of the respondent is an order which ought to be passed in the last resort, if the Courts find default to be wilful and contumacious, particularly to a dependant unemployed wife, and minor children.*

17. It is pertinent to note that the Hon'ble Supreme Court has pointed out that it is the sacrosanct duty of the husband to provide financial support to his wife and to the minor children.

*18. The Hon'ble Supreme Court has settled the position of law that Section 125 Cr.P.C. is a measure of social justice and is specially enacted to protect women and children. In **Chaturbhuj Vs. Sita Bai** reported in (2008) 2 SCC 316, the Hon'ble Supreme Court has specifically observed that object of the maintenance is to prevent vagrancy and destitution of the deserted wife by providing her food, clothing and shelter through a speedy remedy.*

19. It is pertinent to note that right to get maintenance is not only a constitutional rights, but can be considered as an element of universal human rights.



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The very purpose of ordering maintenance is to prevent vagrancy as a result of strained relationships and to guarantee that the poor litigating spouse is not crippled as a result of a lack of funds to defend or prosecute the case.”

7. The legal position above referred is squarely applicable to the case on hand. In the case on hand also, the petitioner, without complying with any order of this Court, has absolutely no right or *locus standi* to advance the arguments or to proceed with the main revision case.

8. As already pointed out, though this Court has directed the petitioner to deposit the 75% of the arrears amount on 14.03.2025, the petitioner has not even attempted to comply with the said order and more importantly, he has not even paid single paisa to the respondents.

9. Considering the above, this Court is of the clear view that the petitioner is not entitled to proceed further. Hence, this Court concludes that the revision is devoid of merits and the same is liable to be dismissed.



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costs.

10. In the result, this Criminal Revision case stands dismissed. No

01.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To
1.The Judge,
Family Court,
Tiruchirappalli.



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K.MURALI SHANKAR,J.

csn

Order made in
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Dated: 01.04.2025