



*Crl.R.C.(MD)No.558 of 2025*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2025

CORAM

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

Crl.R.C.(MD)No.558 of 2025

Subramani

... Petitioner

**vs.**

Kalleswari

... Respondent

**PRAYER:** Criminal Revision Case filed under Section 438 r/w 442 of the BNSS, 2023, to call for the records and set aside the order in Crl.M.P.No.248 of 2024 in M.C.No.9 of 2024, dated 12.11.2024 on the file of the learned Family Court, Sivagangai, Sivagangai District.

For Petitioner : Mr.B.Santhanam Rajesh Kumar

For Respondent : Mr.M.Perumal

**ORDER**

Challenging the order passed by the learned Family Court, Sivagangai, in Crl.M.P.No.248 of 2024 in M.C.No.9 of 2024 dated 12.11.2024, this criminal revision case is filed.



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2. The petitioner filed a petition under Section 151 C.P.C., seeking to condone the delay of 74 days for filing the petition to set aside the *ex-parte* order passed by the learned Family Judge in M.C.No.9 of 2024 dated 16.04.2024.

3. The learned Family Judge had dismissed the the said application, recording the absence of the petitioner, and had passed an order of maintenance directing the petitioner to pay a monthly maintenance of Rs.6,300/-. Challenging the same, seeking to condone a delay of 74 days in filing the petition to set aside the *ex parte* order, the petitioner had filed an application and the same was dismissed by the learned Family Judge, Sivagangai. Challenging the same, this Criminal Revision case is filed.

4. This Court required the petitioner and the respondent to appear and had a dialogue with both of them and tried to sensitize the petitioner about his duty to pay maintenance duly every month. Despite the same, the petitioner was adamant enough that he is suffering penury and he is



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not at the responsibility of paying any maintenance to his wife for the reason that she had voluntarily left the matrimonial home.

5. In reply to the same, the respondent submitted that she suffered starvation in the hands of the petitioner and not able to take a risk to die out of starvation, she had left the matrimonial home.

6. Recording the same, I don't find any necessity to interfere with the impugned order. Accordingly, this Criminal Revision is dismissed.

**20.08.2025**

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

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To

- 1.The Family Court,  
Sivagangai, Sivagangai District.
- 2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.



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**L.VICTORIA GOWRI ,J.**

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Order made in  
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