

Crl.R.C(MD)No.1113 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2025

CORAM

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

CRL.R.C.(MD)No.1113 of 2025

and

CRL MP(MD)No.11150 of 2025

Saravanakumar,
S/o.M.Oorkavalan,
No.229, 4th Main Road,
Green City,
Perumal Pattu,
Thiruvallur – 602 024.

... Petitioner

vs.

Shenbagavalli,
W/o.Saravanakumar,
Door No.2/300, Main Road Colony,
Sethuroyanpudur,
Ramaiyanpatti,
Tirunelveli District.

... Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to set aside the order dated 01.03.2025 passed in Cr.M.P.No.194 of 2024 in M.C.No.26 of 2020 on the file of the Family Court, Tirunelveli allowing this Criminal Revision Case.



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For Petitioner :Ms.S.Vinodha

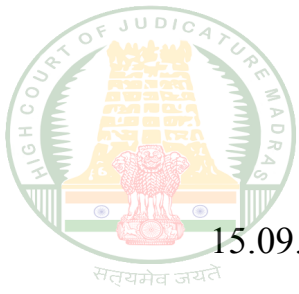
For Respondent :Mr.G.Karuppasamy Pandiyan

ORDER

Heard Ms.S.Vinodha, learned counsel for the Petitioner and Mr.G.Karuppasamy Pandiyan, learned counsel for the Respondent.

2. This Criminal Revision Petition has been filed by the petitioner to set aside the impugned order dated 01.03.2025 passed in Cr.M.P.No. 194 of 2024 in M.C.No.26 of 2020 whereby the petitioner was directed to pay Rs.5,000/- as costs to the respondent on or before 10.03.2025, for allowing the petition to condone the delay, failing which the said petition would be dismissed.

3. Ms.S.Vinodha, learned counsel for the Petitioner submits that the Petitioner and the Respondent are husband and wife. The marriage between the petitioner and the respondent was solemnized on



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15.09.2011. Out of their wedlock, one daughter viz., Vishnu Priya was born to them. Due to difference of opinion, they are living separately and the Respondent has filed a petition in M.C.No.26 of 2020 under Section 125 of Cr.P.C before the Family Court, Tirunelveli seeking maintenance and the Family Court vide order dated 01.08.2023 awarded Rs.7,500/- to the 1st Respondent and Rs.7,500/- to the 2nd Respondent, totalling Rs.15,000/- per month, as maintenance allowance.

4. The learned counsel for the Petitioner further submits that the Family Court, Tirunelveli passed an exparte order. Thereafter, the Petitioner filed a petition in Cr.M.P.No.194 of 2024 to condone the delay of 275 days in filing the petition to set aside the exparte order. However, the Family Court, Tirunelveli vide order dated 01.03.2025 in Cr.M.P.No. 194 of 2024 directed the Petitioner to pay a sum of Rs.5,000/- as cost to the Respondent for allowing the petition to condone the delay filed by the Petitioner. Aggrieved over the same, the Petitioner filed the present Criminal Revision Petition.



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WEB COPY 5. Per contra, Mr.G.Karuppasamy Pandiyan, learned counsel for the respondent, submitted that the Family Court passed the impugned order after duly considering the facts and circumstances of the case, as well as the statements of both the petitioner and the respondent. He contended that the petitioner, without paying the costs imposed by the Family Court and having outstanding arrears, has filed the present petition, which lacks merit. He argued that the petitioner's non-compliance with the order passed by the Family Court renders the present petition untenable. It is contended that, in such circumstances, and in order to meet the ends of justice, the impugned order does not warrant any interference by this Court. There is no illegality, impropriety, or perversity in the impugned order, nor does it reflect any abuse of the process of the Court.

6. I have considered the submission of the learned counsel for the parties and also perused the record.



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WEB COPY 7. The learned counsel for the petitioner has not been able to point out any illegality, impropriety, or incorrectness in the impugned order that may persuade this Court to interfere with it. The amount fixed for maintenance, Rs.15,000/- for the respondent and her minor daughter, cannot be considered excessive or disproportionate given the current rising prices and high cost of living.

8. The provisions of Section 125 of the Cr.P.C. are beneficial provisions enacted to prevent the vagrancy of a destitute wife and provide some succor to those entitled to receive maintenance, which cannot be denied. The fact that the petitioner is the husband of the respondent and the father of their minor daughter, Vishnu Priya, has not been denied. Therefore, the Court below has rightly taken into consideration the statements filed by the petitioner/husband and awarded maintenance, in which this Court finds no illegality or infirmity.



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9. Furthermore, the petitioner is directed to pay only Rs. 5,000/- as

costs to the respondent for the condonation of delay application.

However, without paying the same, the petitioner has approached this Court by filing this Revision Petition challenging the order dated 01.03.2025. This Court finds no merit in the petition, and it is liable to be dismissed.

10. In such circumstances to meet the ends of justice, the impugned order does not require any interference. There is no illegality, impropriety and incorrectness in the impugned order and also there seems to be no abuse of court's process.

11. Thus, this Court does not find any merit in the Petitioner's case and the Family Court, Tirunelveli had rightly passed the order in Cr.M.P.No.194 of 2024 in M.C.No.26 of 2020 dated 01.03.2025.



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WEB COPY 12. In view of the above, this Criminal Revision Petition lacks merit and stands **dismissed** and the Family Court, Tirunelveli is directed to proceed with the matter in accordance with law for recovery of arrears amount. The file is consigned to record. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

Index :Yes / No

25.09.2025

Internet :Yes / No

NCC :Yes / No

Nsr

To:

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



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SHAMIM AHMED, J.

Nsr

Order made in
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