Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL RC No. 2499 of 2026

CNR:{HCMA012556772026}

AND

CRL MP NO. 21199 OF 2026

Case QR

P.Udhayakumar

..Petitioner(s)

Vs

1. N.Rohini

2. Minor Pooja
   Rep by Guardian Mother N. Rohini

3. Minor Hari Krisnaa
   Rep By Guardian Mother N. Rohini,

..Respondent(s)

PRAYER:This revision case has been filed seeking to set aside the order dated 20-7-2026, passed in Crl MP No. 1283 of 2025 in Crl MP No. 1486 of 2022 in MC No. 18 of 2022 on the file of the Judicial Magistrate, Mettupalayam, directing the petitioner to pay arrears of maintenance of sum of Rs.10,20,000/- within three months i.e. on 21-10-2026, failing which the petitioner shall undergo imprisonment for a term of one month.

For Petitioner(s): Mr. P.A.Sai Govindaraja

For Respondent(s): No appearance

ORDER

This Criminal Revision Case has been filed challenging the order dated

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20.07.2026 passed by the learned Judicial Magistrate, Mettupalayam, in Crl.M.P.No.1283 of 2025 in Crl.M.P.No.1486 of 2022 in M.C.No.18 of 2022, directing the petitioner to pay a sum of Rs.10,20,000/- towards arrears of interim maintenance within three months, failing which he shall undergo imprisonment for a period of one month.

2. The learned counsel for the petitioner submitted that the respondents have already been granted interim maintenance in the proceedings initiated under the Protection of Women from Domestic Violence Act and in the matrimonial proceedings. Therefore, awarding interim maintenance in the present proceedings, without taking into consideration the amounts awarded in the other proceedings, would result in an unjustified multiplicity of maintenance awards. It was further submitted that the petitioner had challenged the original order granting interim maintenance dated 02.07.2025 before this Court. Hence, the impugned order directing payment of arrears is liable to be set aside.

3. This Court has considered the submissions made by the learned counsel for the petitioner and perused the materials available on record.

4. Admittedly, the learned Judicial Magistrate, by order dated 02.07.2025 in Crl.M.P.No.1486 of 2022, directed the petitioner to pay interim maintenance

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of Rs.10,000/- each per month to the respondents. The said order had not been stayed by any competent Court. It is also brought to the notice of this Court that the Criminal Revision Case filed by the petitioner challenging the said interim maintenance order was dismissed by this Court on 04.11.2026. Therefore, the interim maintenance order continues to remain in force. Mere pendency of the challenge to the said order, without obtaining an order of stay, would not absolve the petitioner from complying with the maintenance liability. Hence, the learned Magistrate rightly proceeded with the petition seeking recovery of arrears.

5. The contention that the respondents have also been granted maintenance in other proceedings cannot, by itself, justify the unilateral non-payment of maintenance ordered by a competent Court. The petitioner ought to have brought the alleged overlapping maintenance awards to the notice of the appropriate Court and sought suitable adjustment or modification of the maintenance liability. In this regard, the principles laid down by the Hon'ble Supreme Court in *Rajnesh v. Neha*, (2021) 2 SCC 324, regarding disclosure of maintenance proceedings and adjustment or set-off of overlapping maintenance awards, are relevant. However, such a contention cannot be used as a ground to disregard an existing maintenance order in the absence of any order modifying or staying the same.

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6. Further, in *Kuldip Kaur v. Surinder Singh*, (1989) 1 SCC 405, the Hon'ble Supreme Court held that imprisonment for default in payment of maintenance is a mode of enforcement and not a substitute for the maintenance liability. The learned Magistrate, having found that the petitioner had failed to comply with the subsisting order without sufficient cause, was justified in passing the impugned order for recovery of arrears, subject to the statutory requirements.

7. This Court finds that the learned Magistrate has considered the objections raised by the petitioner and recorded a finding that no sufficient cause was shown for the continued non-payment of interim maintenance. In view of the dismissal of the revision challenging the original interim maintenance order, the petitioner cannot seek to avoid the liability arising therefrom. The grounds raised in the present Revision do not disclose any perversity, illegality or material irregularity warranting interference by this Court in its revisional jurisdiction.

8. In view of the foregoing discussion, this Court does not find any infirmity or illegality in the order passed by the learned Judicial Magistrate, Mettupalayam. The learned Magistrate has rightly decided the petition. This

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Court finds no merit in the Criminal Revision Case.

9. Accordingly, the Criminal Revision Case is **dismissed**. Consequently, the connected miscellaneous petition, if any, is closed. No costs.

04-11-2026

Neutral Citation: Yes/No

DN

To

The learned Judicial Magistrate, Mettupalayam.

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SHAMIM AHMED J.

DN

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