

IN THE COURT OF JUDICIAL MAGISTRATE COURT NO.II, TAMBARAM

**Present: Tmt.K.M.Kalaiaarasi.,M.L.,
Judicial Magistrate No. II, Tambaram (FAC)**

Wednesday, the 1st day of July, 2026

MC. No. 66 of 2022

CNR No. TNCG0F-012023-2022

Minor. Punitesh, 4 years,
Rep. By the natural Guardian and mother
T. Lakshmi Priya, aged 38,
No.126 B, 1st floor Back side,
Valmiki Street, East Tambaram,
Chennai – 600 059.

... Petitioner

.vs.

Mr.P.Prabhu,
S/o. (Late) Periyasamy,
Door No. 175/1B, New Colony,
Thuraimangalam Village,
Perambalur – 621 220.

... Respondent

This petition coming before me for final hearing on 01.07.2026 in the presence of Advocate Mr.T.D.ArunKumar, appearing for the petitioner and upon hearing and having stood for consideration till date this court doth the following,

ORDER

This petition has been filed by the petitioner u/s 125 Cr.P.C seeking direction the respondent to pay the petitioner's mother a sum of Rs.20,000/- per month towards the monthly maintenance from the date of this petition along with of cost of petition.

1. Brief averments of the Petition

1.1. The Petitioner Minor Punitesh filed this petition through his mother and natural guardian Lakshmi Priya. As per averments in the petition, the marriage between petitioner's mother and respondent was solemnized on 06.02.2017 at

Madanagopalaswami Thirukovil at Perambalur as per Hindu rites and customs. At the time of marriage, the petitioner's mother was employed with the Commercial Tax office and the respondent was employed in ELCOT network. The petitioner's mother was gifted with 25 sovereigns of gold jewels and household articles worth Rs.1 lakhs as sridhana. The respondent also gifted with gold bracelet, ring and chain and a sum of Rs. 1 lakh for purchasing of Motorcycle by her parents. Out of wedlock, the petitioner was born on 04.03.2018.

1.2. At the time of marriage, the respondent falsely represented about his caste and after marriage, the petitioner's mother came to know that, the respondent's mother belonged to the Brahmin community. The respondent's mother subjected the petitioner's mother into a caste related discrimination at the matrimonial home. Even after, separate matrimonial home for the petitioner and his mother was set up by the respondent, he and his mother subjected the petitioner's mother into cruelty and harassment. The respondent wantonly throw the petitioner's mother cell phone on 2 occasions. Therefore, the petitioner's mother lodged a complaint with the All Women Police Station at Perambalur. Even after that, the respondent and his mother did not changed their behavior. Hence, she left the matrimonial home.

1.3. The respondent initiated divorce proceedings as against the petitioner's mother before the Family Court at Perambalur in HMOP No.115/2021 and the same is pending. The respondent is drawing a salary Rs.75,000/- per month and he is duty bound to maintain the petitioner. The respondent has refused to look into any of the basic necessity of the petitioner's mother or the minor child. Therefore, the petitioner sought for monthly maintenance for a sum of Rs.20,000/- per month from the respondent.

2. Respondent Exparte

The Respondent has not appeared for several hearings and called absent, no representation on his behalf. Hence, he was set as exparte by this court on

02.12.2025. Even thereafter, he did not take any steps to set aside the exparte order and continued with his absence.

3. Evidence :-

The Petitioner has let in evidence as PW1 and marked Ex.P1- Marriage photo, Ex. P2 – Marriage invitation, Ex.P3- Copy of Birth Certificate of Petitioner, Ex. P4 - Copy of the Judgment and Decree in HMOP No. 115/2021 dated 22.11.2022, Ex.P5- Copy of Aadhar card of the petitioner and Ex.P6 Bank passbook of the Petitioner's mother.

4. Point for Consideration

The Point for determination is whether the Petitioner had proved his claim for maintenance or not?

5. DISCUSSION

5.1. The Petitioner's mother and the Respondent are legally wedded couple and presently they are separated due to matrimonial disputes between them and there is a divorce proceedings pending between them.

5.2. The Petitioner is currently living with his mother and this petition is filed through his mother. As per the averments in the petition, the Respondent is not taking care of the Petitioner's mother and their child and the whole expenses are borne by the Petitioner's mother herein. It is seen that the Respondent is earning a sum of Rs.75,000/- per month. In this background, the Petitioner have prayed for a sum of Rs.20,000/- per month as monthly maintenance from the Respondent herein for the expenses of the Petitioner.

5.3. The respondent hasn't preferred to appear before this court and contest this petition. A perusal of the Proof Affidavit filed by the petitioner clearly shows that, the respondent failed to take care of his child. Therefore, the respondent is liable to pay the maintenance to them as per Sec.144 of BNSS. When deciding the quantum of maintenance, this court refer the decision of **Hon'ble Supreme Court of India in**

Neha Tyagi Vs Lt. Col. Deepak Tyagi, (LL 2021 SC 700) it was held as follows,

“Whatever be the dispute between the husband and the wife, a child should not be made to suffer. The liability and responsibility of the father to maintain the child continues till the child/son attains the age of majority. It also cannot be disputed that the son Pranav has a right to be maintained as per the status of his father.”

In view of above citation, this court comes to the view that, the petitioner is entitled to be maintained according to the status and earning of the respondent. Therefore, the petitioner is entitled for the maintenance as claimed by him. The petitioner sought for maintenance amount to be paid to his mother, on considering this petition is filed by the petitioner himself, the maintenance amount can be ordered to be paid to the petitioner alone.

6. Result :-

In result, this Petition is allowed, the respondent is liable to pay a sum of Rs.20,000/- per month to the Petitioner, as monthly maintenance from the date of filing of this petition i.e., 21.12.2022. The arrears to be paid within 3 months and monthly maintenance to be paid before the 10th of every month as per English calendar.

This order is dictated by me to the Steno-Typist, directly typed by her, corrected and pronounced by me in the open court on this 1st day of July, 2026.

Judicial Magistrate No. II,
Tambaram (FAC).

Petitioner side Witness:-

PW1- Mrs. Lakshmi Priya, Petitioner's mother

Petitioner side Documents:-

Ex. P1	Marriage Photo.
Ex. P2	Marriage Invitation.
Ex. P3	Copy of Birth certificate of the petitioner.

- Ex. P4 Copy of the Judgment and Decree in HMOP No. 115/2021 dated 22.11.2022.
- Ex. P5 Copy of Aadhar card of the petitioner.
- Ex. P6 Copy of Bank pass Book of the petitioner's mother.

Judicial Magistrate No. II,
Tambaram (FAC).