

IN THE COURT OF JUDICIAL MAGISTRATE NO II, ULUNDURPET

PRESENT: Thiru. R. P. Ajieth Singh Raaja B.A.B.L.(Hons)

JUDICIAL MAGISTRATE II, ULUNDURPET

11th Day of August 2026

MC No. 01/2019

Kalichi W/o Govindasamy

Ragunadhapuram Village (Kiliyur Post),

Ulundurpet Taluk.

.... Petitioner

/vs/

Govindaswamy S/o Ponnusamy,

Kiliyur Village,

Ulundurpet.

.... Respondent

This petition came before me on **11.08.2026** for Final hearing in Presence of Thiru. N. Chanrasekaran B.A.,B.L., Learned counsel for the petitioner. Upon perusing the court records, this court deliver the following..

ORDER

This maintenance petition has been filed by the Petitioner/Wife under Section 125 of the Code of Criminal Procedure, 1973 (Cr.P.C.), seeking an order directing the Respondent/Husband to pay a sum of ₹3,000/- per month towards her monthly maintenance and an annual sum of ₹50,000/- towards medical and clothing expenses.

1. Case of the Petitioner in Brief:

- 1.1. The Petitioner is the legally wedded wife of the Respondent. Their marriage was solemnized in the year 1985 at the Respondent's residence in Kiliyur Village, Ulundurpet Taluk, as per Hindu rites and customs. At the time of marriage, the Petitioner's parents provided 10 sovereigns of gold jewellery and silver and brass household articles worth ₹25,000/- as *stridhana*.
- 1.2. Out of the wedlock, five children were born and died during infancy. Subsequently, on 07.01.1994, a female child named Alamelu was born. Both parties raised her, and her puberty ceremony (*Manjal Neerattu Vizha*) was conducted jointly on 05.04.2010.
- 1.3. From 17.05.2012 onwards, the Respondent neglected and refused to maintain the Petitioner and their daughter. It is alleged that the Respondent physically assaulted the Petitioner and drove her out of the matrimonial home to live with his brother Balakrishnan's family.
- 1.4. The Petitioner has since been residing at her maternal home in Ranganathapuram Village, doing manual coolie work to survive. With

great difficulty, by incurring debts to the tune of ₹5,00,000/-, she solemnized the marriage of their daughter Alamelu on 28.10.2012 with one Elumalai. The Respondent neither attended the wedding nor contributed financially.

- 1.5. The Petitioner is illiterate, aging, and suffering from physical ailments, making her unable to maintain herself.
- 1.6. The Respondent and his family possess substantial ancestral properties comprising 10 acres of dry/punja land with an agricultural electricity service connection and motor pumpset, cultivating sugarcane, paddy, and groundnut, thereby earning more than ₹5,00,000/- annually. Hence, the Petitioner prays for maintenance as claimed.

2. Case of the Respondent in Brief (Counter Statement):

- 2.1. The Respondent admitted the marriage in 1985 and the birth of their daughter Alamelu, but denied all allegations regarding dowry, cruelty, and desertion.
- 2.2. The Respondent contended that after the birth of Alamelu, the Petitioner developed an illicit relationship with one Dhanapal of Ranganathapuram, deserted the Respondent about 30 years ago, and lived with the said Dhanapal.
- 2.3. It is contended that the Petitioner did not invite him to the daughter's ceremonies and that the daughter was married into the family circle of the said Dhanapal.

- 2.4. The Respondent claimed that he is aged (approx. 68 years), has no landed properties or independent income, and is struggling for his own livelihood; hence, he is not liable to pay maintenance.

3. Course of Proceedings & Evidence:

i. On the side of the Petitioner:

- The Petitioner examined herself as **PW-1** and marked:
 - **Ex.P1:** Copy of Voter Identity Card of the Petitioner.
 - **Ex.P2:** Copy of Aadhaar Identity Card of the Petitioner.
- One independent witness, Seenuvasan, was examined as **PW-2**.

ii. On the side of the Respondent:

- The Respondent examined himself as **RW-1**. No documentary evidence was marked.

iii. Ex-Parte Proceedings:

- In compliance with the directions of the Hon'ble Supreme Court in *Rajnesh v. Neha (2021) 2 SCC 324*, both parties were directed to submit their Affidavits of Assets and Liabilities. The Respondent failed to file the mandatory affidavit and consistently failed to appear before this Court, either in person or through counsel. Consequently, the Respondent was called absent and set **ex-parte** on **24.03.2026**.

4. Points for Consideration:

- I. *Whether the Petitioner is the legally wedded wife of the Respondent?*
- II. *Whether the Respondent, having sufficient means, has neglected or refused to maintain the Petitioner?*
- III. *Whether the Petitioner is unable to maintain herself?*
- IV. *Whether the Petitioner is entitled to maintenance, and if so, what is the quantum?*

5. Findings and Reasoning:

Point No. 1: Marital Relationship

The marital relationship between the Petitioner (PW-1) and the Respondent (RW-1) is admitted by both parties in their pleadings and ocular evidence. The marriage took place in 1985 according to Hindu rites. Thus, the legal relationship of husband and wife stands conclusively established.

Point Nos. 2 & 3: Neglect, Refusal, and Inability to Maintain

- iv. The Petitioner deposed as PW-1 that she was driven out of the matrimonial home, subjected to cruelty, and left to fend for herself without any financial support. Her testimony is supported by PW-2.
- v. The Respondent alleged in his counter and chief affidavit that the Petitioner was living in adultery with one Dhanapal for over 30 years. However, in his cross-examination, RW-1 made material admissions contradicting this stance, admitting that he lived with the Petitioner for at

least 10 to 15 years after marriage and that the daughter Alamelu was born during their lawful wedlock.

- vi. Crucially, the Respondent failed to produce any shred of legal or documentary evidence to substantiate the severe allegation of adultery. Mere unsubstantiated and reckless allegations of unchastity made by a husband against his wife themselves constitute grave mental cruelty and provide a just ground for the wife to live separately.
- vii. During cross-examination, RW-1 explicitly admitted that he did not maintain his wife and daughter and questioned with hostility why he should clear any marriage debts or provide for them.
- viii. The Petitioner is an elderly woman without steady employment or landed property, surviving solely on erratic manual coolie labor despite advancing age and health issues. She has established that she is unable to maintain herself.
- ix. Consequently, this Court finds that the Respondent has neglected and refused to maintain his legally wedded wife.

Point No. 4: Quantum of Maintenance

- While the Petitioner stated that the Respondent owns 10 acres of agricultural land fetching ₹5,00,000/- per annum, the Respondent claimed during cross-examination that his father executed a settlement deed in favor of his nephew Ramesh. However, the Respondent suppressed his true financial position by failing to file his Affidavit of Assets and Liabilities as mandated by the Hon'ble Supreme Court in *Rajnesh v. Neha*, leading to him being set ex-parte.

- An able-bodied husband is legally, socially, and morally bound to maintain his wife according to his status. The Respondent cannot shirk his statutory liability under Section 125 Cr.P.C. by pleading bald financial distress.
- The Petitioner has made a modest prayer seeking **₹3,000/- per month** as maintenance and **₹50,000/- per annum** for clothing and medical care.
- Taking into account the cost of living, the advanced age of the Petitioner, medical requirements, and the prevailing socio-economic factors, this Court finds that awarding a sum of **₹3,000/- per month** towards maintenance and an additional sum of **₹1,000/- per month** (consolidated to ₹4,000/- per month) to cover medical and basic living needs is fair, just, and reasonable.

6. Operative Order

In the result, the petition is **ALLOWED with costs** on the following terms:

- i. The Respondent is directed to pay a sum of **₹3,000/- (Rupees Three Thousand only)** per month to the Petitioner towards her monthly maintenance.
- ii. The Respondent is further directed to pay an additional sum of **₹1,000/- (Rupees One Thousand only)** per month to the Petitioner towards her medical and clothing expenses (*totaling ₹4,000/- per month*).
- iii. The maintenance amount shall be payable from the **date of filing of this petition**.

- iv. The Respondent shall pay the monthly maintenance on or before the **5th day of every succeeding English calendar month** by directly depositing the amount into the bank account of the Petitioner.
- v. The Respondent shall clear the entire arrears of maintenance accumulated from the date of petition to the date of this order within **three (3) months** from today.
- vi. The Respondent shall pay a sum of **₹5,000/- (Rupees Five Thousand only)** to the Petitioner towards litigation costs.

Directly typed and Pronounced by me in open Court, this the 11th day of August, 2026.

**Judicial Magistrate II,
Ulundurpet.**

APPENDIX

I. Witnesses Examined:

a) For Petitioner:

- **PW-1:** Tmt. Kalichi (Petitioner)

- **PW-2:** Thiru. Seenuvasan

b) For Respondent:

- **RW-1:** Thiru. Govindasamy (Respondent)

II. Exhibits Marked:

c) For Petitioner:

- **Ex.P1:** Copy of Voter ID Card of the Petitioner.
- **Ex.P2:** Copy of Aadhaar Card of the Petitioner.

d) For Respondent:

- *Nil*

**Judicial Magistrate II,
Ulundurpet.**