

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM**

**Present: Thiru.J.Jeya Suthahar, M.Sc., L.L.M.,  
Chief Judicial Magistrate, Ramanathapuram**

**Friday the 13<sup>th</sup> day of March 2026**

**Crl.M.P.No.900/2025**

**in**

**M.C. No.08/2023**

1.Ramya, aged 33/2025  
W/o.Sankaralingam,  
1/5, Pokaranenthal,  
Thirupullani,  
Keelakarai Taluk,  
Ramanathapuram District.

2.Minor.Thasvika Sri, Aged 7/2025  
D/o.Sankaralingam,  
-do-  
(Minor 2<sup>nd</sup> petitioner through her  
mother and guardian, the 1<sup>st</sup> petitioner)

...Petitioners

//Vs//

Sankaralingam, Aged 36/2025  
S/o.Vijayan,  
Kachathanalloor,  
Ilayankudi,  
Sivagangai District.

...Respondent

This petition came before me for final hearing on 06.03.2026 in the presence of Mr.V.Mahimairajan, Learned counsel for the petitioners and the respondent being remained exparte and upon hearing the arguements on the side

of the petitioners and upon perusal of records and having stood over for consideration till this day this court doth delivers the following;

### **ORDER**

This petition is filed by the petitioners under section 144 BNSS directing the respondent to pay the arrears of maintenance amount of Rs.2,58,000/- to the petitioners (Rs.1,50,495/- for the 1<sup>st</sup> petitioner and Rs.1,07,505/- for the 2<sup>nd</sup> petitioner) which is due from the respondent for the period from 31.07.2023 to 15.05.2025.

### **2. The averments in the petitioners affidavit in brief as follows :**

The petitioners filed the above petition in M.C.No.08/2023 against the respondent seeking maintenance and it was ordered by this court on 31.07.2023 directing the respondent to give maintenance of Rs.3,500/- p.m to the 1<sup>st</sup> petitioner and Rs.3,000/- p.m to the 2<sup>nd</sup> petitioner. As against the said order, petition was filed before this court and it was modified and the respondent was directed to pay a sum of Rs.7,000/- to the 1<sup>st</sup> petitioner and Rs.5,000/- to the 2<sup>nd</sup> petitioner from the date of petition. But the respondent failed to pay the maintenance amount from 31.07.2023 to 15.05.2025. As per the above order the the respondent has to pay Rs.1,50,495/- to the 1<sup>st</sup> petitioner and Rs.1,07,505/- to the 2<sup>nd</sup> petitioner totalling an amount Rs.2,58,000/- for the period from 31.07.2023 to 15.05.2025. Hence this petition filed for the recovery of the above amount from the respondent.

3. The respondent remained exparte.

4. The point for decision in this petition is whether this petition deserves to be allowed or not.

5. It is seen that the petitioners filed the above main petition for maintenance and this court has passed an order directing the respondent to give maintenance of Rs.3,500/- p.m to the 1<sup>st</sup> petitioner and Rs.3,000/- p.m to the 2<sup>nd</sup> petitioner on 31.07.2023. Not satisfying with the above order, the petitioners preferred revision before the Hon'ble Principal District Court, Ramanathapuram in Crl.R.P.No.28/2024 and it was allowed and the order passed by this court was modified and the respondent was directed to pay a sum of Rs.7,000/- to the 1<sup>st</sup> petitioner and Rs.5,000/- to the 2<sup>nd</sup> petitioner from the date of petition. But it is seen that the respondent did not pay any amount to the petitioners for the period from 31.07.2023 to 15.05.2025. and he has to pay the arrears of maintenance for 21 months 15 days.

6. At this juncture it will be useful to refer to the relevant provisions of S.125(3) of CrPC. It reads as follows.

(3) If any person so ordered fails without sufficient cause to comply with the order, any such Magistrate may, for every breach of the order, issue a warrant for levying the amount due in the manner provided for levying fines, and may sentence such person, for the whole or any part of each month's [allowance for the maintenance or the interim maintenance and expenses of proceeding as the case may be] remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month or until payment if sooner made:

The above provision made it clear that the respondent may be punished by sentencing him to undergo simple imprisonment for a term which may extend to one month for each month's default in the payment of maintenance.

7. At this juncture it is pertinent to note that in the decision in HCP(MD)S.R.No.31625 of 2018 dated 09.01.2019 in M.Rajkumar @ Muthaiah vs The Commissioner, Madurai City, Madurai and others, our Hon'ble High Court has held that there is no infirmity in ordering the defaulted respondent to undergo 15 days simple imprisonment for one month's default in the payment of the maintenance amount.

8. Here in this case, admittedly the respondent has to pay the arrears of maintenance for 21 months 15 days to the petitioners. Despite sufficient opportunity was given to the respondent to comply with the order of this court he did not pay the arrears of maintenance to the petitioners. Hence considering the above facts and circumstances of this case and in the interest of Justice this court is of the view that the respondent may be sentenced to undergo 15 days simple imprisonment for each month's arrears totalling 10-1/2 months for non payment of the arrears of 21 months.

7. In the result, this petition is allowed and the respondent is sentenced to undergo 15 days simple imprisonment for each month's arrears totalling 10-1/2 months for non payment of the arrears of 21 months. It is ordered that the respondent may be set at liberty once the entire arrears of maintenance amount was paid by him

to the petitioners. Issue NBW against the respondent to execute this order. Call on 17.04.2026.

Dictated to the Steno-Typist directly and typed and printed by her, and corrected and pronounced by me in the open court, on this the 13<sup>th</sup> day of March 2026.

Chief Judicial Magistrate,  
Ramanathapuram.

**Petitioners side witnesses documents : NIL**

**Respondent side witnesses and documents : Nil.**

Chief Judicial Magistrate,  
Ramanathapuram.

Chief Judicial Magistrate Court,  
Ramanathapuram.  
Crl.M.P.No.900/2025  
in  
M.C.No.08/2023  
Order  
Date: 13.03.2026