

**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 6th day of March 2026**

Crl.M.P.No.1449/2025

in

M.C. No.27/2022

1. Thenmozhi, Age - 27
W/o. Ganeshbabu,
6/327, Muthuraj Nagar,
Mayaakulam,
Keelakarai Taluk,
Ramanathapuram Dt.

2. Minor. Krithvik, Age 3-1/2
S/o. Ganeshbabu
-do-

(2nd minor petitioner represented
through his mother and guardian)

... Petitioners

//Vs//

Ganeshbabu, Age 30
S/o. Murugesan,
4/38, Muthuraj Nagar,
Mayakulam,
Keelakarai Taluk,
Ramanathapuram Dt.

... Respondent

This petition came before me for final hearing on 26.02.2026 in the presence of Mr.R.Babu, Learned counsel for the petitioners and Mr.A.Ramalingam, Learned counsel for the respondent and upon hearing the

arguments on both side 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 147 of BNSS directing the respondent to pay the arrears of maintenance amount of Rs.72,000/- to the petitioners due from the respondent for one year for the period from 23.07.2024 to 22.07.2025 and in default, to arrest and detain him in prison.

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

The petitioners filed the above petition in M.C.No.27/2022 against the respondent seeking maintenance and it was ordered on 21.09.2023 and the respondent was directed to give maintenance of Rs.3000/- p.m each to the petitioners 1 and 2. As per the above order the petitioners filed a petition in CrI.M.P.No.7620/2024 directing the respondent to pay a sum of Rs.1,20,000/- for the period from 23.11.2022 to 22.07.2024. Since the respondent paid the entire amount of Rs.1,20,000/- to the petitioners it was closed on 24.10.2025. This petition is filed for directing the respondent to pay a sum of Rs.72,000/- to the petitioners for the period from 23.07.2024 to 22.07.2025.

3. The respondent did not file counter statement. On the otherhand he admitted his liability to pay maintenance amount to the petitioners as per the order passed by this court in the above M.C.No.27/2022 on 21.09.2023. Accordingly he has also paid a sum of Rs.18,000/- to the petitioners on 30.01.2026. But still there is a balance of

Rs.54,000/- due from the respondent to the petitioner as per the above order in the above M.C.No.27/2022 dated 21.09.2023. It is seen that the respondent did not pay the above amount of Rs.54,000/- inspite of sufficient time granted to him. It is seen that the respondent has paid the maintenance amount only for 3 months and still he has to pay the arrears of maintenance for 9 months.

4. 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.

5. 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 Commisioner, 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.

6. Here in this case, admittedly the respondent has to pay the arrears of maintenance for 9 months to the petitioners and 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 4-1/2 months for non payment of the arrears of 9 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 4-1/2 months for non payment of the arrears of 9 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 27.03.2026.

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 6th day of March 2026.

Chief Judicial Magistrate,
Ramanathapuram.

Petitioners side witnesses documents : NIL

Respondent side witnesses and documents : Nil.

Chief Judicial Magistrate,
Ramanathapuram.