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IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, TIRUPATTUR,
TIRUPATTUR DISTRICT.

Present : **Selvi. M. K. Anusha. M. L.**
Chief Judicial Magistrate,
Tirupattur District.

Thursday this the 11th day of June 2026
Thiruvalluvar Aandu 2057, Siri Parabhava Aandu 28th day of Vaikasi Thingal.

Maintenance Case No. 16/2025
CNR NO. TNTU020003582025

1. Tmt.K.Rose @ Rosey W/o.Suresh Babu, (Age 27),
 2. Minor.Sri Harini D/o. Suresh Babu, (Age 10),
Through her next friend Mrs.K.Rose @ Rosey
 3. Minor.S.Linisha D/o. Suresh Babu (Age 8)
Through her next friend Mrs.K.Rose @ Rosey
- All are residing at Valadanampattur Village,
Pudurnadu Post, Tirupathur Taluk and District.

...Petitioners

//Versus//

Suresh Babu S/o. Kulandai (Age 35),
Mang Kollai Pudur Village,
Athanoor Post, Tirupathur Taluk,
Tirupathur District.

...Respondent

This Maintenance case is coming up before me for Final hearing on 11.06.2026 in the presence of Tr.V.Gopinathan, M.A.,B.L., Counsel for Petitioners and Tr.M.Manogaran, M.A., M.L., Counsel for Respondent and upon consideration of evidences on hearing arguments of both sides and having stood over under my consideration till date, this Court delivers the following:



Order

The petitioners claim maintenance for the sum of Rupees 15,000/- per month towards petitioners per month and with cost.

1. The averments of the petition in brief:-

The first petitioner and respondent got married on 03.07.2011. The first petitioner had a two female born out of the wedlock between first petitioner and respondent. The petitioner has performed all the acts as dutiful wife. The respondent lead a wayward life. The respondent failed to perform marital obligation. Hence the petitioners requires maintenance for maintaining basic necessity. The respondent was earning enormously. Hence the petition.

2. The summary of Counter filed by respondent:-

The petition is not maintainable either in law or on facts. The petitioner is put to strict proof of the facts except those that are specifically admitted herein. The marriage between petitioner and respondent was solemnized on 03.07.2011. That petitioner is did not care about respondent and his parents and neglected the welfare of the family. The petitioner was gave mental worries to respondent in several ways. Hence the petition is to be dismissed with costs.

3. Points for consideration:

1. Whether the respondent is having obligation to maintain the petitioners ?
2. Whether the petitioners are having sufficient means to maintain them self?



3. Whether the petitioners are entitled for maintenance ?
4. Whether the petitioners are entitled for a sum of rupees 15,000/- per month towards maintenance ?
5. To what other relief the petitioner are entitled to ?

4. Points No.1 to 4

The maintenance case is filed by the petitioners claiming maintenance for a sum of Rupees 15,000/- per month towards petitioners.

5. The respondent filed counter. The petitioner side examined herself as PW.1. Ex.P.1 to Ex.P.6 are marked. The respondent examined himself as RW.1. Ex.R.1 and Ex.R.2 are marked. One Chinnakalai and Sakthivel examined as RW.2 and RW.3. This Court proceeded the case on the basis of materials available on record.

6. The Ex.P1 is a Wedding Invitation and Ex.P.4 is Xerox copy of Aadhar card for first petitioner. The perusal of said documents would show that first petitioner and respondent got married on 03.07.2011 and the petitioners are resident of Tirupathur. It is crystal clear that the relationship between first petitioner and respondent as husband and wife is well established. Ex.P.2 Xerox copy of birth certificate for second petitioner, Ex.P.3 Xerox copy of birth certificate for third petitioner, Ex.P.5 Xerox copy of Aadhar card for second petitioner and Ex.P.6 Xerox copy of Aadhar card for third petitioner. The status of second and third petitioners are daughters of first petitioner and respondent is well established. The respondent



disputed regarding said fact did not substantiate the same. The birth certificate is prima facie proof and evidence as to birth of second and third petitioners to first petitioner and respondent.

7. PW.1 cross examination, “நானாக பிரிந்து சென்றேனா என்றால் இல்லை அவர்களே அடித்து அனுப்பிவிட்டார்கள். என்னை எதற்காக அடித்து அனுப்பினார்கள் என்றால் அவர் குடிப்பார் மற்றும் நான் வேறு யாருடனோ பேசுகிறேன் என்று சொல்லி அனுப்பிவிட்டார். அந்த வேறு நபர் பெயர் என்ன என்றால் எனக்கு தெரியாது. நான் தாயலுரை சார்ந்த ரமேஷ் என்பவருடன் தவறான உறவில் இருந்ததால் என் கணவரை விட்டு பிரிந்து சென்றுவிட்டேன் என்றால் இல்லை. மேற்படி ரமேஷ் உடன் நான் தொடர்பில் இருந்ததால் ஊரில் பஞ்சாயத்து பேசினார்கள் என்றால் பஞ்சாயத்து பேசியது சரிதான் ஆனால் ரமேஷ் யார் என்றே எனக்கு தெரியாது. நான் என் கணவர் மீதோ அவருடைய குடும்ப நபர்கள் மீதோ போலீசில் புகார் எதுவும் கொடுக்கவில்லை என்றால் சரிதான்.” The said evidence is crystal clear that the respondent is attacking character of first petitioner to evade maintenance. The said defence is not justified for sheirking the responsibility of payment of maintenance on the part of the respondent in favour of petitioner. The first petitioner and respondent are married and said marriage is



admitted. So, the respondent under the moral and legal obligation to pay maintenance in favour of petitioners.

8. The PW.1 was cross examined on the point, “விவாகரத்து வழக்கில் ஜீவணாம்சம் தொகை எதுவும் தேவையில்லை என்று குறிப்பிட்டுள்ளீர்கள் என்று சொன்னால் சரிதான். கடந்த 25.01.2023 அன்று திருப்பத்தூர் சார்பு நீதிமன்றத்தில் விவாகரத்து வழக்கில் உங்களுக்கும் உங்கள் கணவருக்கும் உடையேயான திருமண ரத்து செய்யப்பட்டு உத்தரவு வழங்கப்பட்டுள்ளது என்றால் சரிதான்.” The respondent as taken a defence that the petitioner relinquished her right to maintenance in Hindu Marriage and Divorce proceedings. It is important to note that relinquishment or waiving the right of maintenance in a Hindu Marriage and Divorce proceedings is generally not an absolute part to file an application for maintenance under section 125 of Cr.P.C. It is significant to note that Courts treat the right to maintenance under Criminal Law as a statutory, protective right. It is settled principle of law that even if a wife voluntary waived maintenance in Hindu Marriage and Divorce proceedings, she can still approach for maintenance under section 125 of Cr.P.C. So, there is no statutory disqualification to refuse maintenance in favour of petitioner on the part of respondent. The Ex.R.1 and Ex.R.2 is not a statutory disqualification to refuse maintenance to petitioners.



9. The evidence of PW.1, Ex.P1 to Ex.P.6 are sufficient to establish that the petitioners are striving hard for basic necessities. The respondent did not come forward to dispute the means of petitioners. The evidences of petitioners are sufficient to arrive that they requires maintenance for meeting out basic necessities. The allegations raised in the counter are not substantiated.

10. The scrutiny of evidence of RW.1 to RW.3, the respondent admitted that he did not pay maintenance such as education expense to the children for the past six years. The RW.3 admitted that respondent is working as Chef in Thamodharan Hotel. The evidence of RW.1 to RW.3 are not sufficient to support the case of respondent.

11. The assets and liabilities filed by the first petitioner would show that the petitioners did not have means and sufficient means to maintain themselves. The respondent did not come forward to dispute and also test the veracity of evidence of petitioners. The evidence is neither tested nor confronted by the respondent.

12. The petitioners may requires at least a sum of five hundred rupees per day for meeting out the basic necessities. Considering the prevailing facts and circumstances, basic requirements to lead a life, this Court is of opinion that the petitioners may require a sum of Rs.15,000/- per month to meet out the basic necessities such as food, shelter, clothing, medical and educational expenses etc. Therefore, this Court determines that the first petitioner is entitled to a sum of Rs.5,000/- per month and, second and third petitioner are entitled to a sum of



Rs.5,000/- per month each to maintain themselves. The petitioners are entitled for maintenance from the date of petition. The respondent is directed to pay the arrears amount within the period of three months from the date of order.

13. For the reasons stated above the points are decided accordingly.

14. Point No.5

This Court determines that the first petitioner entitled to a sum of Rs.5,000/- per month and second and third petitioners are entitled to a sum of Rs.5,000/- per month each from the date of petition. The respondent is directed to pay the arrears amount within the period of three months from the date of order. Hence the petitioners are not entitled for any other relief.

15. For the reasons stated above the point is decided accordingly.

Result

16. In the result, the first petitioner is entitled to a sum of Rs.5,000/- (Five thousand only) per month from the date of petition. The second and third petitioner are entitled to a sum of Rs.5,000/- (Five thousand only) per month each from the date of petition. The Respondent shall pay the said amount of Rs.15,000/- on or before 5th day of every month. The petitioners are entitled for maintenance from the day of filing this petition. The respondent is directed to pay the arrears amount to the



petitioners within the period of three months from the date of order. Maintenance

Case is allowed accordingly and no cost.

Dictated by me directly to the Typist, computerized by her directly in the computer, corrected and pronounced by me in the Open Court, this the 11th day of June 2026.

M.K.Anusha,
Chief Judicial Magistrate,
Tirupathur.

Petitioner side Evidence:-

PW.1 – Rose @ Rosey.

Petitioner side Documents:-

1. 03.07.2011 Wedding Invitation. Ex.P1
2. - Xerox copy of aadhar card of first Ex.P2
petitioner.
3. 12.06.2012 Xerox copy of birth certificate of second Ex.P3
petitioner.
4. 13.10.2015 Xerox copy of birth certificate of third Ex.P4
petitioner.
- 5 14.06.2017 Xerox copy of aadhar card of second Ex.P5
petitioner.
- 6 14.06.2017 Xerox copy of aadhar card of third Ex.P6
petitioner.

Respondent side evidence:-

RW.1 – Suresh Babu.

RW.2 - Chinnakalai



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RW.3 - Sakthivel

Respondent side Document :-.

Ex.R.1 – 25.01.2023 – Judgment in HMOP.No.23/2021.

Ex.R.2 – 25.01.2023 - Decree in HMOP.No.23/2021

Dated at Tirupathur Taluk and District this the 11th day of June 2026.

M.K.Anusha,
Chief Judicial Magistrate,
Tirupathur.