



/1/

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

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

Friday this the 10th day of April 2026
Thiruvalluvar Aandu 2057, Shri Vishwavasud Varudam 27th day of Panguni Thingal

Crl.M.P.No.1203/2025 and Crl.M.P. No. 1942/2025 in MC.No.52/2024
CNR No. TNTU020027212025 and CNR No. TNTU020054642025

Crl.M.P.No.1203/2025

E.Venkatesan, (age 50),
S/o.Ellappa Goundar,
Poongulam Village and Post,
Vaniyambadi Tk.

...Petitioner

//Versus//

M.Dhanalakshmi, (age 39),
W/o.E.Venkatesan,
D/o. Munirathinam,
Poongkulam Village and Post,
Vaniyambadi Tk.

...Respondent

Crl.M.P. No. 1942/2025

M.Dhanalakshmi, (age 39),
W/o.E.Venkatesan,
D/o. Munirathinam,
Poongkulam Village and Post,
Vaniyambadi Tk.

....Petitioner

//Versus//

E.Venkatesan, (age 50),
S/o.Ellappa Goundar,
Poongulam Village and Post,
Vaniyambadi Tk.

.... Respondent

Crl.M.P.No.1203/2025 and Crl.M.P. No. 1942/2025 in MC.No.52/2024
Date:- 10.04.2026

M.K.Anusha,
C.J.M., Tirupathur



These to Miscellaneous petition in Maintenance case is coming up before me for Final hearing on 10.04.2026 in the presence of Tr.A.Sakthi,M.Com.,B.L., Counsel for Petitioner and Tr.K.Umar, M.A.,B.L., Counsel for Respondent in Crl.M.P.No.1203/2025 and Mr.K.Umar, M.A.,B.L., Counsel for petitioner and Mr.A.Sakthivel,M.Com.,B.L., Counsel for the Respondent in Crl.M.P.No. 1942/2025 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:

Common Order

The petitioner in Crl.M.P.No.1203/2025 prays to cancel the order of maintenance or reduce the amount of maintenance U/s 127(2) and petitioner in Crl.M.P.No.1203/2025 prays Crl.M.P.No. 1942/2025 prays for directing the respondent to pay the arrears of maintenance of a sum of Rupees 8,80,000/- to the petitioner and for imprisonment of the respondent incase of failure in compliance U/s 125 (3) of Cr.P.C with cost.

1. The averments of the petition in brief (Crl.M.P.No.1203/2025):-

The petitioner did not pay the monthly maintenance of a sum Rs.10,000/- per month and the arrears of maintenance from 28.12.2017. The Petitioner did not do job due to mental agony. The petitioner borne the education expenses of two sons. The respondent is striving hard for maintaining himself without any job. The respondent is doing business and living luxurious. The petitioner is indebted to a sum of



/3/

Rs.10,00,000/- from Bank, Rs.5,00,000/- from third parties and paying a sum of Rs.15,000/- towards interest per month. The petitioner is a driver. Hence the petition.

2. The summary of Counter filed by respondent:-

The petitioner's petition to set aside the Judgment by this Honourable court in the above. M.C.No. 52/2024 on 29.01.2025 is not maintainable either in Law or on facts of the case. The order passed by this Honourable Court on 29.01.2025 is on contest and on merit. The Petitioner had taken various delay tactics and prolonged the maintenance case since 2018 i.e., for the past Seven (7) years. Even the present petition is also filed only to drag on the proceedings. Hence it is prayed that this Honourable Court may be pleased to Dismiss the petition.

3. The averments of the petition in brief (Crl.M.P.No.1942/2025):-

This Honourable Court was pleased to pass Judgment dated 29.01.2025 directing the Respondent to pay a monthly maintenance of Rs.10,000/- per month to the Petitioner from 28.12.2017. The Respondent is having 5 acre of landed property and plying one School Van and one Tata Suma Vehicle carrying to children to S.F.S.School, Alangayam and earning more than Rs.70,000/- per month. The Respondent is also earning more than Rs. 5,00,000/- per year from the land yield. But the Respondent had not spent even a single piece to the Petitioner. The petitioner humbly submit that the Respondent failed to pay the maintenance arrear even after the Judgment.



4. The summary of Counter filed by respondent:-

The Petitioner did not do job due to mental agony. The petitioner borne the education expenses of two sons. The respondent is striving hard for maintaining himself without any job. The respondent is doing business and living luxurious. The petitioner is indebted to a sum of Rs.10,00,000/- from Bank, Rs.5,00,000/- from third parties and paying a sum of Rs.15,000/- towards interest per month. The petitioner is a driver.

5. Points for consideration:

1. Whether the respondent in Crl.M.P.No.1942/2025 fails to comply the order of this Court without sufficient cause?
2. Whether the petitioner in Crl.M.P.No.1942/2025 is entitled for the relief of arrears of maintenance?
3. Whether the petitioner in Crl.M.P.No.1203/2025 is entitled for cancellation of order of maintenance or reduction of the maintenance amount ?
4. To what other relief the petitioner is entitled to ?

6. Points No.1 and 2

This petition is filed by the petitioner claiming arrears of maintenance for a sum of Rupees 8,80,000/- towards petitioner.

7. The responded filed counter and stated that he is not going for job. The respondent suffered mental agony due to the act of petitioner. The respondent is



maintaining two sons by borrowing loan from third parties. The petitioner is a Tailor and living luxuriously. So the petitioner is striving hard to maintain himself.

8. The respondent has filed CrI.M.P.1203/2025 for canceling the maintenance or reduce the amount of maintenance fixed by this Court. The petitioner has invoked section 125(3) of Cr.P.C. This provision contemplates for execution of order of maintenance. The respondent did not substantiate the counter allegations. There is no evidence to establish cause for not complying the order of maintenance. The respondent fails to establish sufficient cause for failure to obey or comply with the order of this Court to pay maintenance. The reasons stated by the respondent is only with an intention to avoid maintenance. The respondent is duty bound to obey the order of Court. The respondent committed breach of the order of this Court. Therefore the respondent is directed to comply the order of this Court within a period of one month. The petitioner is entitled for the relief of arrears of maintenance.

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

10. Point No.3

10.1. This Court determines that the petitioner is entitled to a sum of Rs.10,000/- per month from the date of petition in maintenance case. The respondent is directed to pay the arrears amount within the period of one month from the date of order. The petitioner instead of paying maintenance to the respondent has filed this application to



cancel the order of maintenance or reduce the amount of maintenance as fixed by this Court.

10.2. The provision U/s 127 (2) of Cr.P.C. Contemplates that “Where it appears to the Magistrate that, in consequence of any decision of a competent Civil Court, any order made under Section 125 should be canceled or varied, he shall cancel the order or, as the case may be, vary the same accordingly.” As per the section the order U/s 125 can be canceled or varied only in consequence of any decision of a competent Civil Court. Therefore the ingredients contemplated U/s 127 (2) Cr.P.C. is not fulfilled. The petitioner instead of approaching appellate forum challenging the order of this Court is only playing second innings. The petitioner inclines to re-agitate the matter before the same forum is not maintainable in the eye of Law. The petitioner is adopting dilatory tactics and prolong the matter to evade in paying maintenance. So the petitioner is not entitled for the relief.

11. Point No.4

The petitioner in Crl.M.P.No.1203/2025 is not entitled for main relief consequently not entitled for any other relief. The petitioner in Crl.M.P.No.1942/2025 is entitled for main relief consequently not entitled for any other relief.

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



/7/

Result

13. In the result (Crl.M.P.No.1203/2025), the petition is dismissed and no cost.

In the result (Crl.M.P.No.1942/2025), the respondent is directed to pay the maintenance arrears amount within a period of one months and the petition is allowed and no cost. Payment by 08.05.2026.

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 10th day of April 2026.

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

Petitioner side Evidence and Document:- Nil

Respondent side evidence and document – Nil.

Dated at Tirupathur Taluk and District this the 10th day of April 2026.

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