

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2016

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl.R.C.No.1067 of 2010

1.Karumbayeram
2.Shanmugam

...Petitioners

vs

Mahalakshmi @ Sarasu

... Respondent

Criminal Revision filed under section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order dated 08.04.2010 passed in M.C.No.18 of 2007 on the file of the learned Judicial Magistrate No.I, Sangagiri.

For Petitioners : M/s.Valliammai
For Mr.M.Christopher

For Respondent : No appearance

O R D E R

The first petitioner is husband and second petitioner is son of the respondent. Earlier, the respondent has filed an application in M.C.No.18 of 2007 seeking maintenance at the rate of Rs.2,500/- each from both the petitioners. The Courts below awarded a sum of of Rs.500/- each as compensation payable by the petitioners to the respondent. Challenging the above said order, the present criminal revision has been filed.

2. Even though notice has been served on the respondent, the respondent has not entered appearance in person or through counsel. Hence, the respondent name was printed in the cause list.

3. Today, when the matter is taken up for consideration, the learned counsel appearing for the petitioners submitted that the first petitioner/husband died on 16.01.2010. In the above

circumstances, the criminal revision is dismissed as abated against the first petitioner.

4. So far as the second petitioner is concerned, he is the only son of the respondent and the respondent has no one else to maintain. On perusal of the records, it is seen that now the respondent is aged about 65 years and she has no means to maintain herself, the second petitioner being her son he is duty bound to maintain her. Considering the age of the respondent and considering the facts and circumstances of the case, the amount of Rs.500/- awarded by the trial court is reasonable. Hence, this Court find no reason to interfere with the order passed by the trial Court.

5. In the result, the criminal revision case is dismissed by confirming the order passed by the learned Judicial Magistrate No.I, Sangagiri, dated 08.04.2010 in M.C.No.18 of 2007. Consequently, M.P.No.1 of 2010 is also dismissed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

rrg

To

1.The Judicial Magistrate,
Sangagiri.

2.-do- thro Chief Judicial Magistrate, Salem.

Cr1.R.C.No.1067 of 2010

Rsy(co)
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