



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.08.2017

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C(MD) .No.593 of 2017
and
Crl.M.P. (MD) .No.6551 of 2017

S.Padmanapan ... Petitioner/Respondent

-Vs-

S.Ramanujathammal .. Respondent/Petitioner

Prayer : Criminal Revision Case filed under Section 397 & 401 of the Code of Criminal Procedure, to call for the records pertaining to the order passed in M.C.No.174 of 2014, dated 26.05.2017 on the file of the learned Sessions Judge, Family Court, Trichy and set aside the same.

For Petitioner : Mr.K.Sivabalan
For Respondent : Mr.S.Sathish Kumar

O R D E R

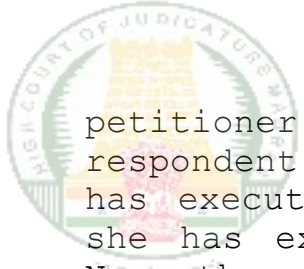
Challenging the order granting maintenance at the rate of Rs.3,000/-, the present criminal revision case has been filed.

2.The case of the petitioner in brief is as follows:

The respondent herein is the mother of the petitioner. Earlier, the respondent filed a petition under Section 125 Cr.P.C seeking maintenance at the rate of Rs.10,000/- per month in M.C.No.174 of 2014 on the file of the Family Court, Trichirappalli. The Court below allowed the application and directed the petitioner to pay a sum of Rs.3,000/- per month to the respondent. Now, challenging the same, the present Criminal Revision Case has been filed.

3.I have heard Mr.K.Sivabalan, learned counsel appearing for the petitioner, Mr.S.Sathish Kumar, learned counsel appearing for the respondent and perused the records carefully.

<https://hcservices.ecourts.gov.in/hcservices/>
The learned counsel appearing for the petitioner would contend that the respondent mother has five children including the



petitioner (2 sons and 3 daughters). Apart from that, the respondent also has some house property in her name, earlier, she has executed a Will in favour of the petitioner. Subsequently, she has executed a settlement deed in favour of her daughters. Now, the respondent is taking steps to evict the petitioner from the house, in which he is residing. In this regard, a civil suit has already been filed and in which, an order of injunction is obtained and at the instigation of her daughters, the respondent has filed a petition only against this petitioner, leaving her other children, in order to take revenge against this petitioner. Now, the petitioner, after working in the Tamil Nadu Civil Supplies Corporation, has retired from service and he is only getting a meagre pension at the rate of Rs.1,800/- per month. He is also having a big family to maintain and he is not in a position to pay Rs.3,000/- per month. Apart from the pension, he does not have any other source of income. The court below, without considering the same, ordered a sum of Rs.3,000/- as maintenance.

5.Per contra, the learned counsel appearing for the respondent would submit that the respondent is the mother of the petitioner, aged about 93 years. Now, the petitioner has neglected the respondent and he has also assaulted the respondent, for which a criminal case is pending. Now, she is living at the mercy of some of her relatives. In the above circumstances, she is not able to maintain herself. Hence, she filed a petition seeking maintenance. The court below, after considering the materials available on record, ordered a sum of Rs.3,000/- as monthly maintenance. Apart from that, there is no illegality in the order passed by the court below. Since the petitioner has not even paid a single pie to the respondent, the petitioner, in her ripe old age is suffering for maintenance.

6.I have considered the rival submissions and carefully gone through the materials available on record.

7.It is an unfortunate case, in which the mother, aged about 93 years, is seeking maintenance from his son. The petitioner being the son, has a legal obligation to maintain his mother. Even though the petitioner contended that the respondent has some house property and also settled the same in favour of her daughters and a civil dispute is pending between the parties, it does not absolve the liability of the petitioner to maintain her, as the petitioner being the son has a legal obligation to maintain his mother. So far as the contention of the learned counsel for the petitioner that now the petitioner is an retired employee and he is eking out his livelihood from the meagre pension amount, he is also struggling to maintain his ~~Services, courts.gov.in~~ of his wife and three adult children is concerned, I am of the view that the quantum of maintenance awarded by the court below requires some modification.



8. In the result, this Criminal Revision Case is partly allowed. The order passed in M.C.No.174 of 2014, dated 26.05.2017 on the file of the learned Sessions Judge, Family Court, Trichy is modified and the petitioner is directed to pay Rs.2,000/- per month towards maintenance to the respondent from the date of filing of the petition till date, within a period of six weeks from the date of receipt of a copy of this order. The petitioner is directed to pay the future maintenance on or before 7th of every English Calendar month. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub-Assistant Registrar

To

1. The Sessions Judge, Family Court,
Trichy
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

+One cc to M/s.S.Sathish Kumar, Advocate, SR.No.75037

Copy to:-

The Section Officer,
Criminal Record Section,
Madurai Bench of Madras High Court,
Madurai

vs

RL/5C/3P/KK/SAR4/21/9/2017

Cr1.R.C(MD) No.593 of 2017