



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.07.2017

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C (MD) .No.485 of 2017

and

Crl.M.P. (MD) No.5255 of 2017

Vasuki

... Petitioner/Respondent

-Vs-

Jeyalakshmi

... Respondent/Petitioner

Prayer : Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, against the order passed by the Chief Judicial Magistrate, Thanjavur at Kumbakonam in M.C.No.82 of 2015, dated 24.03.2017.

For Petitioner
for Respondent

: Mr.T.Lenin Kumar
: Mrs.Banumathi for
Mr.K.M.Karunakaran

ORDER

Challenging the order granting maintenance at the rate of Rs.2,000/- per month to the respondent, the present revision has been filed.

2.The petitioner is the daughter of the respondent. Earlier, the respondent filed an application under Section 125 of Cr.P.C, seeking maintenance from the petitioner at the rate of Rs.4,000/- per month and the Court below awarded Rs.2,000/- per month. Challenging the same, the present revision has been filed.

3.I have heard Mr.T.Lenin Kumar, learned counsel appearing for the petitioner and Mrs.Banumathi for Mr.K.M.Karunakaran, learned counsel appearing for the respondent and perused the records carefully.

4.The learned counsel appearing for the petitioner submitted that the petitioner is the one of the daughters of the respondent. Apart from the petitioner, the respondent/mother is having three sons and two more daughters, all are in good position and having sufficient means. But, the respondent singled her out and filed a petition seeking maintenance against her only. Apart from that, the learned counsel for the petitioner further contended that the petitioner is a destitute woman and having three school-going children and she is only getting a take-home salary of Rs.10,000/- and she herself struggling a lot to maintain her children. Hence, she is not in a position to pay the amount.



5.The learned counsel appearing for the petitioner further submitted that the respondent is residing with her elder son and he is taking care of the respondent. Hence she does not require any maintenance.

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6.The learned counsel appearing for the respondent submitted that the petitioner is one of the daughters, working as a teacher and the other children have no means and the respondent is also having no means to maintain herself.

7.I have considered the rival submissions.

8.Admittedly, the respondent has six children and the petitioner is one of the daughters. Apart from her, three sons and two daughters are also available. The respondent, without seeking any maintenance from them, singled out the petitioner and filed a petition against her only, seeking maintenance. It is an admitted fact that the respondent is residing in one of the son's house and the petitioner is a destitute woman and she is having three children and she has to maintain her children also. Considering all these facts, I am of the view that since the respondent is her mother, the petitioner has an obligation to maintain her, and taking into consideration of the condition of the petitioner, interim maintenance ordered by the court below is modified, and the petitioner is directed to pay the said sum of Rs.1,000/- per month to the respondent. The amount is payable on or before 7th of every month.

9.With the above modification, this Criminal Revision Case is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To
The Chief Judicial Magistrate,
Thanjavur at Kumbakonam.

+1cc to Mr.K.M.Karunakaran,Advocate,SR.64264

+1cc to Mr.T.Leninkumar,Advocate,SR.64314

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