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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C.(MD) No.784 of 2011

and

M.P(MD)No.1 of 2011

Baby Ammal

... Petitioner

Vs.

1.Chandra Sekar

2.Bala Subramanian

... Respondents

Petition filed under Sections 397 read with 401 Cr.P.C, to call for the entire records pertaining to the judgment rendered by the learned Additional Sessions Judge (Fast Track Court No.II), Tirunelveli, Tirunelveli District in Crl.R.C.No.26 of 2011 vide her judgment dated 02.08.2011 and set aside the same and consequently confirm the order passed by the learned Judicial Magistrate, Ambasamudram, Tirunelveli District in M.C.No.11 of 2009 vide judgment dated 25.02.2011 by directing the respondents to pay a sum of Rs.1000/- each to the petitioner as monthly maintenance.

For Petitioner

: Mr.Balaji

for Mr.R.Anand

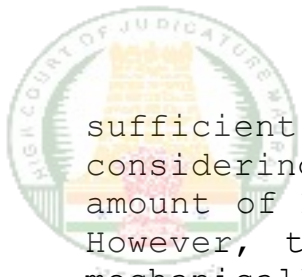
For Respondents

: Mr.N.R.Balaji

ORDER

The case of the petitioner in short is that the petitioner is the mother of the respondents herein. The petitioner has filed a petition under Section 125 Cr.P.C, seeking monthly maintenance from the respondents in M.C.No.11 of 2009 on the file of the Judicial Magistrate, Ambasamudram. After considering the materials available on record, the trial Court has allowed the petition filed by the petitioner and directed the respondents to pay a sum of Rs.1000/- each to the petitioner. Challenging the said order, the respondents have filed a revision in Crl.R.C.No.26 of 2011 on the file of the Additional Sessions Judge (Fast Track Court No.II), Tirunelveli. Upon re-appreciation of the material available on record, the lower appellate court set aside the order passed by the trial Court. Aggrieved by the same, the present Criminal Revision Case has been filed.

2.It is very unfortunate case where the petitioner being 70 years old lady has knocked the doors of this Court seeking maintenance from her sons who are in Government service and services in govt. service. According to the respondents, she is receiving pension at the rate of Rs.5500/- per month, even assuming it is correct, it is not even



sufficient to meet out her medical expenses. The trial Court considering all the materials available on record granted a meagre amount of Rs.1000/- each as a monthly maintenance to their mother. However, the lower appellate Court without considering the facts mechanically set aside the order passed by the trial Court.

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3. In view of the above, the order passed by the lower appellate Court in CrI.R.C.No.26 of 2011, dated 02.08.2011 is set aside. The respondents are directed to pay a sum of Rs.1000/- each as monthly maintenance to the petitioner from the date of filing of the petition. The entire arrears of maintenance shall be paid on or before 31.08.2017. Thereafter, the respondents shall pay Rs.1,000/- each on or before 5th day of every succeeding month as monthly maintenance to the petitioner and the Criminal Revision Case is allowed in the above terms. Consequently, M.P(MD)No.1 of 2011 is closed.

4. Registry is directed to list the matter on 04.09.2017 under the caption 'for reporting compliance'.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Additional Sessions Judge
(Fast Track Court No.II), Tirunelveli,
Tirunelveli District.
2. The Judicial Magistrate, Ambasamudram,
Tirunelveli District.
3. The Chief Judicial Magistrate, Tirunelveli.

+1cc to M/S.R.Anand, Advocate SR.No. 66055
+1cc to M/S.N.R.Balaji, Advocate SR.No. 65526

CrI.R.C.(MD) No.784 of 2011
and
M.P(MD)No.1 of 2011

sms

JM/KK/SAR 1/22.08.2017/2P/6C