

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.06.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(PD). No.1128 of 2018
and C.M.P.No.5877 of 2018

1. C.N.Annadurai
2. A.Malarkodi

... Petitioners

Vs.

Sulochana

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the Fair and Decretal order dated 24.01.2018 made in I.A.No.521 of 2017 in O.S.No.31 of 2017 on the file of the learned Principal Family Court, Coimbatore.

For Petitioners : Mr.N.Ponraj

For Respondent : Mr.K.S.Karthik Raja

ORDER

WEB COPY

The relief sought for in this revision petition is to set aside the fair and Decretal order dated 24.01.2018 made in I.A.No.521 of 2017 in O.S.No.31 of

2017 on the file of the learned Principal Family Court, Coimbatore.

2. The suit filed by the respondent/plaintiff against the revision petitioners for cancellation of the settlement Deed and also for the maintenance before the Family Court in O.S.No.31 of 2017 on the file of the learned Principal Family Court, Coimbatore.

3. During the pendency of the suit, the revision petitioners filed an Interlocutory application under Order VII Rule 11 of C.P.C before the Family Court, Coimbatore in I.A.No.521 of 2017 to reject the plaint on the ground that the suit is not maintainable .

4. The learned counsel for the petitioners submits that the trial court erred that under Section 7 of the Family Court Act, 1984, the family Court has power to deal with the property issues arising out of matrimonial disputes alone and in the present case on hand the dispute is between the mother and the son.

5. The learned counsel for the respondent would submit that under Section 7 of the family Court Act 1984, the family Court cannot has envy power to deal with the cases in this nature for maintenance between the parents and

the children.

6. Heard both sides and perused the available records.

7. The settlement Deed executed by the respondent in favour of the son/ first petitioner. The condition imposed in the settlement Deed complied with or violated is considered only after trial in the main suit, but not in this application. Further, the suit is maintainable before the Family Court, even parents can file the suit before the Family Court for maintenance against their children. However, the revision petitioner has not established that as to how the suit is barred by limitation and the Family Court has no Jurisdiction. However, they have not made out any application on merits of the case.

8. It is well settled law that the application under order VII Rule 11 of C.P.C. for rejection of plaint, the Court has to see as to whether the plaint discloses the cause of action and the suit is barred by law or not. The defence taken by the defendants and documents produced by the defendants need not be considered at this stage. Under these circumstances, reading of the plaint it discloses cause of action, the suit is not barred under any law.

P.VELMURUGAN, J.,

vum

9. This Court finds, there is no merits in this revision petition and finds no illegality or infirmity in the order passed by the trial Court. There is no valid reason to interfere with the order passed by the Family Court.

10. In the result, the revision petition is dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

11.06.2018

Index:Yes/No

Speaking order / Non speaking order

vum

To

The Principal Family Judge,
Coimbatore.

C.R.P.(PD). No.1128 of 2018
and C.M.P.No.5877 of 2018