



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.158 of 2018

and

Crl.M.P.No.468 of 2018

WEB COPY

T.Rajkumar

... Petitioner/Petitioner

Vs

1.Gomathi

2.Thangavel

... Respondents/Respondents 1&2

3.T.Rajasekaran

... 3rd Respondent/3rd Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to set aside the order passed in Crl.R..No.8 of 2015 on the file of the I Additional District and Sessions Court, Tuticorin dated 29.02.2016.

For Petitioner : Mr.S.Sankar

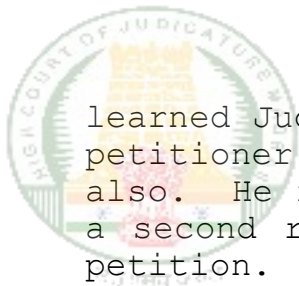
For Respondents : Mrs.S.Ragaventhree, for RR1 & 2
Service awaited for R3

O R D E R

This petition has been filed to set aside the order passed in Crl.R..No.8 of 2015 on the file of the I Additional District and Sessions Court, Tuticorin dated 29.02.2016, thereby confirming the maintenance awarded by the learned Chief Judicial Magistrate in M.C.No.14 of 2013 vide order dated 01.04.2015.

2.The learned counsel appearing for the petitioner would submit that the petitioner is none other than the younger son of the respondents 1 and 2. They have suppressed the fact that already they approached the Sub Collector, Tuticorin for maintenance and they were ordered a sum of Rs.1,000/- (Rupees one thousand only) each to be payable by the petitioner as monthly maintenance before the Social Welfare Department. He further submitted that he is an auto driver and he has no means to comply with the maintenance order and his wife is also suffering from so many ills and due to the medical expenses and children's education expenses, he could not meet out the maintenance amount and hence, he sought for setting aside the order passed by the Court below.

3.The learned counsel appearing for the respondents 1 and 2 would submit that they have filed the petition before the Sub Collector, Tuticorin for monthly maintenance and they were granted a sum of Rs.1,000/- each payable by the petitioner herein. Even after the said order, the petitioner did not comply with the same and the said fact has been categorically stated in their maintenance petition. After considering these facts and circumstances only, the



learned Judicial Magistrate awarded maintenance to be payable by the petitioner herein and the same was confirmed by the revisional Court also. He further submitted that the present petition is nothing but a second revision and as such, he prayed for the dismissal of the petition.

WEB COPY

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents 1 and 2.

5. The petitioner is the younger son of the respondents 1 and 2. The respondents filed a maintenance petition before the Sub Collector, Tuticorin, in which, maintenance order has been passed as against both the sons. But, they have not complied with the order passed by the Sub Collector. Therefore, the respondents 1 and 2 were constrained to file M.C.No.14 of 2013 under Section 125 of Cr.P.C., before the learned Chief Judicial Magistrate, Tuticorin, where, the learned Chief Judicial Magistrate awarded maintenance as against the petitioner and the 3rd respondent herein. As against which, the petitioner alone filed a revision in Crl.R.C.No.8 of 2015 and the same has also been dismissed, by confirming the order of maintenance passed by the learned Chief Judicial Magistrate, Tuticorin.

6. The respondents 1 and 2 are none other than the father and mother of the petitioner and the 3rd respondent and the petitioner, being the son, he is bounden duty to maintain his father and mother. It is also seen that maintenance amount awarded against him is only a meagre amount of Rs.1,000/- per month and hence, this Court finds no merits in this petition and there is no infirmity or illegality in the order passed by the Courts below and this criminal original petition is liable to be dismissed.

7. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. I Additional District and Sessions Court, Tuticorin

2. The Chief Judicial Magistrate, Tuticorin.

+1 CC to MR.K.PRABHU, Advocate (SR-86017[F] dated 09/09/2019)

Order made in

CRL.O.P (MD) No.158 of 2018

06.09.2019

arul

MK (27.09.2019) 2P 4C

<https://hcservices.ecourts.gov.in/hcservices/>