

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2021

C O R A M

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.22 of 2021 &
Crl.M.P.No.318 of 2021

V.Srinivasan

... Petitioner

Vs.

1.K.Veeraraghavan
2.V.Mangaiyakarasi
3.V.Suresh Kumar

... Respondents

PRAYER: Criminal Revision Petition filed under 397 r/w 401 of Cr.P.C. to set aside the order passed in M.C.No.315 of 2018, dated 07.11.2020, on the file of the learned I Additional Principal Judge, Family Court, Chennai.

For Petitioner : No appearance

For Respondent : No appearance

O R D E R

When the matter came up for hearing on 21.01.2021, this Court heard the arguments of the learned counsel for the petitioner and the matter was directed to be listed under the caption "for orders" today. Today, none appeared for both the parties to represent their case. Since the Revision is arising out of the order passed by the learned Judge, Family Court, Chennai, under Section 125 of Cr.P.C., this Court is not inclined to adjourn the matter further, and however, inclined to dispose the matter on merits on available records.

2. The petitioner and third respondent are the sons of the first and second respondents/parents. The parents have filed a petition in M.C.No.315 of 2018, on the file of the learned I Additional Principal Judge, Family Court, Chennai under Section 125 of Cr.P.C., seeking maintenance from their sons. The learned Judge, after enquiry, allowed the petition with a direction to the first respondent/elder son to pay a sum of Rs.3,000/- per month and the second respondent / younger son to pay a sum of Rs.5,000/- to their parents. Challenging the said order, the younger son/ second respondent therein has filed the present Revision.

3. According to the petitioner / younger son, his father was

working as Foreman in Kala Industries at Ambattur Industrial Estate, and after retirement, he is working in a private company and he has got his own source of income to maintain himself and his wife.

4. According to the parents / respondents 1 and 2, the first respondent had retired from service and has no pension benefits. It was also stated that the first respondent had availed loan to perform the marriage of his sons and daughter, and however, the petitioner and the third respondent are not looking after the parents. It was also further stated that the petitioner and third respondent are having sufficient income to maintain their parents.

5. A perusal of records, it could be seen that the elder son / third respondent herein had agreed to pay a sum of Rs.3,000/- before the Lok Adalat and for which, the respondents 1 and 2 herein / parents, consented to the same.

6. Though the petitioner / younger son has stated that the parents are having sufficient income to maintain them, it could be seen from the records that the petitioner had worked in a private company and no pensionary benefit was given to him. Further, the petitioner has not established that his parents are having sufficient income to maintain them, on the other hand, it could be seen from the records that the petitioner's gross salary is Rs.49,227/- and the take home salary is Rs.30,310/- and also the petitioner receives rent from the house property, and as such, a sum of Rs.5,000/- per month as maintenance awarded to the parents of the petitioner herein, cannot be stated as excessive. Further, the parents have settled their claim through Lok Adalat as against the elder son and the parents were consented for the receiving a sum of Rs.3,000/- per month, and against which, no revision has been filed by the third respondent / elder son, however, the petitioner herein has filed this revision.

7. Considering the facts and circumstance of the case and also considering economical status of the petitioner, this Court is of the view that the maintenance of Rs.5,000/- per month awarded to the respondents 1 and 2 / parents is very reasonable. This Court does not find any perversity or illegality in the orders passed by the Family Court and there is no merit in the Revision.

8. In the result, the Criminal Revision Petition fails and the same is dismissed. The petitioner / younger son is directed to pay the maintenance as per the findings of the learned I Additional Principal Judge, Family Court, Chennai and further directed to pay arrears of amount within one month, failing

which, the respondents 1 and 2 / parents shall have the liberty to bring it to the notice of the learned I Additional Principal Judge, Family Court, Chennai, and the learned Judge, shall pass necessary orders. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

r n s

To

The I Additional Principal Judge,
Family Court,
Chennai.

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PMK(CO)
baf 04/05/2021



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