



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.459 of 2021
and
Crl.M.P.No.7539 of 2021

D.Parthiban

...Petitioner

Versus

Minor P.Mohanavendan

S/o.Parthiban

Rep.by his mother and Natural Guardian

Tamilselvi

...Respondent

Criminal Revision Case filed under Section 397 read with 401 Criminal Procedure Code, to call for the records in F.C.C.M.P.No.301 of 2018 in F.C.M.C.No.15 of 2018 dated 26.02.2020 on the file of the learned Family Court, Chengalpattu and to set aside the same.

For Petitioner : Mr.K.T.S.Sivakumar

O R D E R

By consent of the learned counsel for the petitioner, the Criminal Revision Case is taken up for final disposal at the admission stage itself, without issuing notice to the respondent.

2.The Criminal Revision Case has been filed against the order dated 26.02.2020 passed in F.C.C.M.P.No.301 of 2018 in F.C.M.C.No.15 of 2018 by the learned Judge, Family Court, Chengalpattu.

3.The petitioner is the father of the respondent, who is a minor son. The respondent/minor son filed a case under Section 125(1) Cr.P.C in F.C.M.C.No.15 of 2018 before the learned Judge, Family Court, Chengalpattu, seeking monthly maintenance. During the pendency of the said case, the respondent filed a petition in F.C.C.M.P.No.301 of 2018 in F.C.M.C.No.15 of 2018 seeking interim maintenance. The learned Judge, after enquiry, ordered Rs.5,000/- per month as maintenance to the respondent. Challenging the said order, the petitioner is before this Court by way of Criminal Revision Case.



4. The learned counsel for the petitioner would submit that the mother of the respondent is working as a Typist in Revenue Department and earning more than a sum of Rs.50,000/- per month, whereas, the petitioner is earning a sum of Rs.15,000/- per month and he has to take care of his old age mother. Further, the mother of respondent is earning more than the petitioner and she can maintain her child. Hence, the amount of Rs.5,000/- ordered by the trial Court is arbitrary and exorbitant and the same is liable to be set aside.

5. Heard the learned counsel for the petitioner and perused the materials available on records.

6. Admittedly, the relationship between the petitioner and the respondent is not in dispute. The petitioner himself has admitted that he is earning Rs.15,000/- per month and it is the duty of the father/petitioner to maintain his minor son/respondent. Since the son is only with his mother, the petitioner is liable to pay the maintenance amount.

7. Under these circumstances, this Court does not find any perversity or infirmity in the order passed by the Court below and hence, the same is liable to be dismissed. Accordingly, the Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed. However, the petitioner is at liberty to raise all his defence before the trial Court in F.C.M.C.No.15 of 2018.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

ms
To

The Judge,
Family Court,
Chengalpattu.

+1cc to Mr.K.T.S.Sivakumar, Advocate, Sr.39168

Cr1.R.C.No.459 of 2021
and
Cr1.M.P.No.7539 of 2021

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NSK 27/08/2021