

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.351 of 2018

Rajendiran,

...Petitioner

Vs.

Pachiyammal

...Respondent

Prayer: The Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the order passed by the Learned Principal District Judge, Perambalur, in Criminal Revision No.3 of 2016, dated 31.08.2016, Confirming the order of the Learned Chief Judicial Magistrate, Perambalur in MC.No.27 of 2011 dated 28.01.2016.

For Petitioner : Mr.B.Balavijayan

For Respondent : Mr.C.Ramkumar

O R D E R

This Criminal Original Petition has been filed seeking to set aside the order passed by the Learned Principal District Judge, Perambalur, in Criminal Revision No.3 of 2016, dated 31.08.2016, Confirming the order of the Learned Chief Judicial Magistrate, Perambalur in MC.No.27 of 2011 dated 28.01.2016.

2. The case of the petitioner is that the petitioner's mother/ respondent filed a petition under Section 125 of Cr.P.C., for maintenance of claiming an amount of Rs.7,000/- on the file of the Chief Judicial Magistrate, Perambalur. After adjudication the trial Court awarded the monthly maintenance of Rs.3,000/-p.m.. Aggrieved by the said order, the petitioner filed a revision before the Principal District Judge, Perambalur under Section 397 of Cr.P.C, after enquiry, the revision was dismissed by the Principal District Judge, Perambalur by an order dated 31.08.2016 stating that the maintenance amount is quite reasonable and convincing which is essential for the livelihood. Hence the present petition filed under Section 482 of Cr.P.C.,

3. The learned counsel for the petitioner submits that an amount of maintenance fixed by the lower Court is highly exorbitant and the same was affirmed by the District Court that the maintenance amount is quite reasonable and convincing which is essential for the livelihood. Hence, the learned counsel prays for allowing the petition.

4. The learned counsel for the respondent would submit that the lower Court as well as the appellate Court had given a concurrent finding that the maintenance of Rs.3,000/- p.m. is quite reasonable and convincing which is essential for the livelihood of a person.

5. In view of the above, this Court is of the opinion that no valuable reason to interfere with the well considered concurrent findings of both the Courts below. Hence, this Criminal Original Petition is dismissed.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

mrm
To

1. The Chief Judicial Magistrate,
Perambalur.
2. The Principal District Judge.
Perambalur.
3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1 CC to Mr.C. Ram Kumar, Advocate sr 22592.

+1 CC to Mr.B.Balavijayan, advocate sr 22577.

Cr1.O.P.No.351 of 2018

BR(CO)
SP(21/06/2021)