

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 20.01.2021
CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.1049 of 2020 and
Crl.M.P.No.7282 of 2020

1.R.Eswaran
2.R.Palanisamy ... Petitioners/Respondents

Vs.

1. K.Ramasamy Gounder
2. R.Deivalakshmi ... Respondents/Petitioners

PRAYER : Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C. against the order dated 01.10.2020 made in M.C.No.04 of 2017 on the file of learned Family Court, Erode.

For Petitioner :Mr.N.Manoharan
For Respondents :Mr.K.Kannadhasan
for Mr.V.Balamurugan
and Mr.R.Muthukumarasamy

O R D E R

This Criminal Revision has been filed challenging the order dated 01.10.2020 made in M.C.No.04 of 2017 on the file of the learned Family Court, Erode and set aside the same.

2. The Petitioners are the sons of the respondents 1 and 2 and the respondents are the parents. The respondents/parents filed a petition before the Family court, Erode in M.C.No.4 of 2017 seeking maintenance from the petitioners/sons. The learned Judge, Family Court, Erode after enquiry ordered that a sum of Rs.3,000/- shall be payable by each of the petitioners separately to each of the respondents as maintenance. Challenging the said order, the petitioners are before this Court.

3. Heard both sides. Perused the materials available on record.

4. Admittedly the petitioners are the sons of the respondents 1 and 2 and the respondents are living separately and they are aged about 70 years, 64 years respectively. Therefore, the learned Family Court, ordered a sum of Rs.3,000/- payable by each of the petitioners to each of the respondents separately vide order dated 01.10.2020, which is under challenge by way of this revision.

5. A careful perusal of the records would go show that the petitioners have taken a stand that there are properties in the name of their mother, but it is pointed out by the learned counsel for the petitioner that it is only a house site consisting of 2200 sq.ft. and further the petitioners have not proved that the said land has been let out by the respondents for lease and getting income out of it or it is an agricultural land. Merely 2200 sq.ft. of house site stands in the name of the second respondent does not mean that the respondents are getting income out of it. Admittedly it is not yielding any income as on date. Therefore, under these circumstances the contentions raised by the learned counsel for the petitioner that mother of the petitioner has got 2200 sq.ft. of housesite in her name and therefore there is no need to give maintenance to the respondents is not legally sustainable to decide the petition filed under Section 125 Cr.P.C. Even the petitioners have not established that the respondents/parents have sufficient means to maintain themselves. It is well settled proposition of law that the children are liable to maintain the age old parents who are not having sufficient means to maintain themselves. Admittedly, the petitioners are earning members and they are having sufficient means to maintain their parents.

6. Under these circumstances, this Court finds that the amount ordered by the Family Court is reasonable and there is no infirmity or illegality in the order passed by the learned Family Court, Erode.

7. In view of the above, this Criminal Revision is dismissed with the costs of the respondents. Consequently, connected M.P. is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

arr

To

The VI Additional Family Court, Chennai.

+1cc to N.Manokaran, Advocate, SR No.3394.

Cr1.RC.No.1049 of 2020

VG-II(CO)
CSR 18.03.2021