

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1234 of 2018

And

Crl.M.P.No.14688 of 2018

C.Girinathan

... Petitioner

Vs.

Valliammal

... Respondent

Prayer:

Petition filed under Section 397 read with Section 401 of Criminal Procedure Code, seeking to set aside the order dated 29.05.2018 in M.C.No.190 of 2015 on the file of the Additional Principal Family Judge, Coimbatore.

For Petitioner : Mr.C.R.Prasanan
For Respondent : No Appearance

ORDER

The petitioner has filed this petition seeking to set aside the order dated 29.05.2018 passed in M.C.No.190 of 2015 by the Additional Principal Family Judge, Coimbatore.

2.The case of the petitioner is that the petitioner is the son of the respondent. After marriage, the petitioner was living separately with his wife and after the death of his younger brother, he got re-union with his parents. Thereafter, problem arose and the respondent went to her daughter's house. The petitioner's father died during the year 2014. Thereafter, the respondent filed M.C.No.190 of 2015 before the Additional Principal Family Judge, Coimbatore, seeking maintenance of a sum of Rs.7,500/- per month on the ground that she is living in the house of her daughter; her husband settled the properties in favour of the petitioner; the petitioner is earning sufficient income and lives in a comfortable manner and it is the duty cast upon him to maintain his parents. After adjudication, the lower Court awarded a sum of Rs.3,500/- towards maintenance in favour of the respondent. Aggrieved by the same, the petitioner has filed this revision.

3.The learned counsel appearing for the petitioner would submit that huge properties are settled in favour of the petitioner's sister and the respondent is residing along with his sister and his sister has sufficient means to maintain the respondent and there is no necessity

to claim maintenance from the petitioner. Accordingly, he prayed for allowing the revision.

4.Though notice has been served on the respondent, today, there is no representation for the respondent.

5.The relationship between the petitioner and the respondent is not disputed. The petitioner claims that the respondent is residing in his sister's house and his sister has sufficient means to maintain her family and the respondent. It is admitted fact that there are some properties purchased by the petitioner's father and subsequently, they were settled inbetween the petitioner and his sister and some property in favour of his age old mother/ respondent. Even then, it is the duty cast upon him to maintain his mother. The amount awarded by the lower Court is a meagre one and it is not on the higher side and it is just and reasonable. The petitioner did not show sufficient grounds to interfere with the order dated 29.05.2018 passed in M.C.No.190 of 2015 by the Additional Principal Family Judge, Coimbatore.

M.DHANDAPANI,J.

6.This revision is accordingly dismissed. Consequently, the
connected miscellaneous petition is closed.

03.08.2021

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1.The Additional Principal Family Judge,
Coimbatore.



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