



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.(MD) No.2711 of 2019

in

Crl.R.C.(MD)SR.No. 41011 of 2018

WEB COPY

1.M.Balakrishnan

2. M.Balaiah @ Alagumalai

...Petitioners

Vs.

1. M.Muthuservai @ Muthu perumal Servai

2. Murugesan

3. M.Ayyanar

4. M.Paranthaman

...Respondents

PRAYER in Crl.M.P(MD)No.2711 of 2019: Criminal Miscellaneous Petition filed under Section 5 of Limitation Act, praying this Court to condone the delay of 952 days in filing the above criminal revision petition.

PRAYER In Crl.R.C.(MD)SR. No.41011 of 2018: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to call for the records relating to the order passed in M.C.No.9 of 2013 on the file of the District Munsif Cum Judicial Magistrate, Vadipatti and set aside the same.

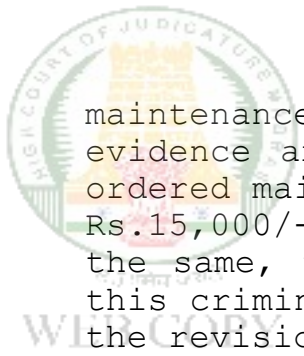
For Petitioner	:	Mr.C.Sundaravadivel
For R1	:	Mr.J.Sankarapandian
For R2 to R4	:	No Appearance

ORDER

The petition has been filed to condone the delay of 952 days in filing the criminal revision petition.

2.The criminal revision petition has been filed challenging the maintenance ordered in favour of the first respondent herein, who is none other than the father of the petitioners herein to pay a sum of Rs.3000/- each.

3.The first respondent has five sons. However, he was not maintained by them and as such, constrained to file a petition for



maintenance as against all the five sons. After considering the evidence and examination of the first respondent, the Court below ordered maintenance as sum of Rs.3000/- payable by each son, totally Rs.15,000/- in favour of the first respondent herein. Aggrieved by the same, two of his sons namely, the petitioners herein had filed this criminal revision petition with the delay of 952 days in filing the revision petition.

4.On perusal of the affidavit filed in support of the revision, it is revealed that they are agricultural coolies and they were not residing in a permanent place and for their livelihood, they are going one place to another place and as such, they could not able to file the revision petition within a period of limitation. Except this reason, no other reason had been stated by the petitioners to condone the huge delay of 952 days in filing the revision petition.

5.That apart, the petitioners are the two sons and the first respondent is the father. Being the sons, they are duty bound to maintain their parents and unfortunately, the petitioners have challenged the maintenance ordered in favour of their own father.

6.Therefore, the petitioners have no merits in the main revision and as such, this Court is not inclined to allow the condone delay petition and the same is dismissed. Consequently, the connected criminal revision case in Crl.R.C.(MD)SR.No.41011 of 2018 is rejected in SR stage itself.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

The District Munsif Cum Judicial Magistrate, Vadipatti
Madurai

Crl.M.P.(MD) No.2711 of 2019
03.03.2022

SB(CO)

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