



Crl.R.C.No.1167 of 2023
and Crl.M.P.No.9128 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.R.C.No.1167 of 2023
and Crl.M.P.No.9128 of 2023

Dr.B.V.Govindaraj

... Petitioner

Vs.

1.B.G.Venkattappan

2.Radha

... Respondents

Prayer : Criminal Revision Petition filed under Section 397 r/w. 401 of Criminal Procedure Code against the order dated 19.04.2022 made in M.C.No.24 of 2020 on the file of the Family Court, Krishnagiri.

For Petitioner : Mr.V.Sakkarapani

For Respondents : Mr.S.C.Vishwanth

ORDER

The present criminal revision petition is filed against the order dated 19.04.2022 made in M.C.No.24 of 2020 on the file of the Family Court, Krishnagiri.



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2. The respondents (parents of the revision petitioner) filed the petition in M.C.No.24 of 2020 under Section 125 Cr.P.C and Section 4 (2) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 seeking for maintenance of Rs.15,000/- p.m. from their son the present revision petitioner, who is a medical practitioner, owning a hospital in the name and style of “Star Hospital” at Hosur.

3. The case of the respondents is that they borrowed a sum of Rs.6,00,000/- for educating the present revision petitioner and that now, the petitioner is not maintaining them. The revision petitioner appeared in person before the trial Court and he cross examined his own father B.G.Venkattappan who was examined as PW1. It is a pathetic case where the parents have filed the present maintenance case against their own son Dr.B.V.Govindaraj who is a medical practitioner. The respondents are more than 70 years old and they have health issues as could be seen from their evidence and the petition.



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4. The trial Court, after analysing the evidence adduced on both sides held that though the respondents/petitioners did not adduce any sufficient evidence to show that they borrowed a sum of Rs.6,00,000/- for educating the present revision petitioner, the revision petitioner is bound to pay a sum of Rs.6,000/- per month each to his parents and same should be paid on or before 5th of every English calender month.

5. Aggrieved over the orders passed by the trial Court, the present criminal revision petition is filed.

6. Heard Mr.V.Sakkarapani, learned counsel for the revision petitioner and Mr.S.C.Vishwanth, learned counsel for the respondents.

7. Mr.V.Sakkarapani, learned counsel for the revision petitioner contended that the respondents have got two more sons who are well settled and that the respondents own a house. According to him,



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the respondents filed the petition in M.C.No.24/2020 at the instigation of other two sons. It is also his contention that the present revision petitioner did not engage a counsel for proper cross examination of the witnesses produced on the side of the respondents and that the matter may be remitted back to the trial Court.

8. The contention of the respondents is that the respondents' other two sons are not well educated and that they are not earning any amount. Their further contention is that the respondents are unable to maintain themselves.

9. It is to be noted that the present revision petitioner is a Doctor by profession and therefore, it is needless to say that he is well educated. If he had felt that he did not cross examine his own parents properly, he could have very well filed an application to recall them for further cross examination. However, this has not been done by him. He did not also adduce acceptable evidence to show that his other two brothers are well settled and that they are earning sufficient amount to



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maintain their parents. In any event, the present revision petitioner being one of the sons of the respondents/petitioners, is bound to maintain them. The trial Court, by a well considered order, has directed the present revision petitioner to pay a sum of Rs.6,000/- per month each to the petitioners and I do not see any infirmity in the orders passed by the trial Court Judge.

10. Accordingly, the present Criminal Revision Petition is dismissed. No costs. Consequently, connect Criminal Miscellaneous Petition is closed.

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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl



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R. HEMALATHA, J.
mtl

To

- 1.The Family Court, Krishnagiri.
- 2.The Section Officer, Criminal Section, High Court, Madras.

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