



Crl.R.C.No.372 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.04.2023

CORAM :

THE HONOURABLE Dr. JUSTICE **G.JAYACHANDRAN**

Crl.R.C.No.372 of 2020

and

Crl.M.P.No.2775 of 2020

R.Balasubramanian
S/o.Ravutha Pannadi

... Petitioner

Vs

Banumathi,
W/o.Ravutha Pannadi

... Respondent

PRAYER : Criminal Revision Case has been filed under sections 397 read with 401 of Criminal Procedure Code to set aside the fair and final order dated 03.04.2019 passed in M.C.No.196 of 2017 on the file of the Additional Principal Family Court, Coimbatore.

For Petitioner : Mr.S.S.Mathivanan
For Respondent : M/s.T.R.Thara

ORDER

This Criminal Revision Petition is filed by the son against his mother, who has approached the Family Court, Coimbatore, for maintenance under Section 125 of Cr.P.C. Though the respondent



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sought for maintenance of Rs.50,000/- per month by renting out from the property left by her husband, the petitioner herein, i.e., her son, is deriving income of Rs.2,00,000/- every month, but not maintaining her and abandoned her.

2. After contest and appreciating the documents marked as Exs.P1 to P25, the Family Court has ordered maintenance of Rs.15,000/- per month. This order is based on the substantial admission of the petitioner herein that he is getting rental income from the shops, which he has inherited from his father. The revision is filed on the ground that the Court below failed to take note of the fact that portion of the property left by the father, viz., husband of the respondent, was sold in 1997 and from out of the sale proceeds, Rs.10,00,000/- was given to her as a lump sum for maintenance. However, despite receiving her consent, she with an ulterior intention filed petition for maintenance and till 2015 she was collecting the rent from the tenant and enjoying it fully. Having provided to her substantially to maintain, by paying a lump sum amount, there is no necessity for the petitioner to pay any monthly maintenance.



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3. The learned counsel for the petitioner would submit that the respondent has already provided a portion of the house and she is occupying, she has substantial savings and derives interest from her investment. Therefore, the quantum of Rs.15,000/- fixed as monthly maintenance is on the higher side and it has to be reduced.

4. This Court, on perusing the records, finds that a valuable property, which earns rental income, is being bequeathed to the petitioner and his sister by their father, with the hope that they will take care of their mother during her later age. From the pleadings, the Court found that the petitioner has failed to take care of his mother and forced her to file the petition seeking maintenance. The earning capacity of the petitioner, the financial status which the respondent enjoyed till the life time of her husband and the estate left by her husband to be inherited by the petitioner and her sister. Taken into account, in the light of the admission in the cross examination by the petitioner a sum of Rs.15,000/- per month is appropriate and proper. In fact, the order was passed on 03.04.2019 and thereafter, there is inflation and raising of price index. The petitioner, who is also present today, however, states that he has



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evidence to show that his mother, viz., the respondent herein, is having adequate savings from the interest and that savings accrued from lump sum amount given to her when they sold portion of the property left by his father. The said submission was made orally across the bar, but there is no material placed by the petitioner here or before the Family Court, to substantiate the same. In the said circumstances, the contention raised by him is untenable.

5. Insofar as Chapter IX of Cr.P.C. concerned, the Code provides for alteration/modification under Section 127 of Cr.P.C. If at all any change in circumstances, the petitioner is always at liberty to approach the Family Court seeking alteration. But as on date, the material available as documents as well as oral evidence indicates that a sum of Rs.15,000/- per month as maintenance is very optimum for a lady, aged 65 years. Hence, the Revision Petition is dismissed as devoid of merits, confirming the order of the Family Court passed in M.C.No.217 of 2015 on the file of the Family Court, Coimbatore.



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6. In the result, this Criminal Revision Case is dismissed.

It is stated by the counsel for the respondent that pursuant to the interim order passed by this Court, the petitioner has paid only 50% of the maintenance awarded and he is liable to pay the balance 50%. Taking into consideration the above submission, the petitioner is directed to pay the arrears of maintenance in three equal instalments within a period of six months from today. The maintenance amount of Rs.15,000/- shall continued to be paid every 5th of succeeding months. The arrears in three instalments shall be paid on or before 30.05.2023, 31.07.2023 and 30.09.2023. Consequently, connected miscellaneous petition is closed.

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Internet : Yes/No

Index: Yes/No

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To

The Additional Principal Family Judge,
Coimbatore.



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Dr.G.JAYACHANDRAN, J.

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