



Crl.R.C(MD)No.54 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.54 of 2019

and

Crl.M.P(MD)No.1368 of 2019

Balamurugan

... Petitioner/Respondent

Vs.

1.Pappu Asari

2.Meenakshi

... Respondents/Petitioners

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order dated 23.07.2018 of the learned District Judge, Family Court, Kanniyakumari Division, at Nagercoil, and made in M.C.No.2 of 2018 on his file dismissing the M.C., or at least remanding the matter to the lower Court with direction to afford opportunity to the petitioner to adduce evidence and decide the matter afresh.

For Petitioner	: Mr.K.N.Thambi
For Respondents	: Mr.S.Sankar

ORDER

The revision has been filed as against the order of maintenance in M.C.No.2 of 2018 on the file of the learned District Judge, Family Court,



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Kanyakumari Division at Nagercoil, dated 23.07.2018.

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2.The petitioner is the son of the respondents herein. Since the petitioner could not able to maintain themselves, they filed a petition for maintenance in M.C.No.2 of 2018 on the file of the learned District Judge, Family Court, Kanniyakumari Division at Nagercoil.

3.On the side of the petitioner, no one was examined and no document was marked and on the side of the respondents, the first respondent examined himself as R.W.1 and One Eswara Pillai examined as R.W.2 and marked Ex.R.1 to R.4.

4.On perusal of the oral and documentary evidence, the trial Court ordered maintenance of Rs.4,500/- each in favour of the respondents as monthly maintenance payable by the petitioner herein and allowed the petition. Challenging the same, the present revision.

5.Heard the learned counsel appearing on either side and perused



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the materials available on record.

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6.It is seen that the petitioner is being only son and also he is practicing as an advocate. He failed to maintain the respondents and also they were driven out from the home after getting their properties settled in favour of the petitioner herein. Therefore, the petitioner also filed a suit in O.S.No.182 of 2011 for taking possession of the house, which was settled in his favour by the respondents herein and the same went against the respondents. The petitioner being the only son and also earning reasonable amount. He is duty bound to maintain his parents. The Court below rightly awarded maintenance for a sum of Rs.4,500/- each, per month. This Court finds no infirmity or illegality in the order passed by the Court below.

7.Accordingly, this Criminal Revision Case is dismissed.
Consequently, the connected Miscellaneous Petition is closed.

20.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
Mrn



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G.K.ILANTHIRAIYAN, J.

Mrn

To

- 1.The District Judge, Family Court,
Kanniyakumari Division at Nagercoil.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
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20.06.2023