



Crl.RC.No.857 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2024

CORAM:

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

Crl.RC.No.857 of 2023
and
Crl.MP.No.6570 of 2023

R.Gopala Kannan

...Petitioner

Vs.

G.Raman

...Respondent

Criminal Revision case filed under Section 397 & 401 of Cr.P.C 1973 r/w 19(4) of the Family Courts Act, 1984, to set aside the judgment passed in FCMC.No.59 of 2017 dated 29.12.2022 on the file of the Family Court Judge at Dharmapuri by allowing the present criminal revision.

For Petitioner : M/s.S.Thankira

For Respondent : Mr.V.Sakkarapani

ORDER



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This Criminal revision case has been filed seeking quashment of the order passed in FCMC.No.59 of 2017 dated 29.12.2022 on the file of the Family Court Judge at Dharmapuri.

2. The case of the petitioner is that, petitioner and the respondent herein are son and father and alleging that, the petitioner/son failed to maintain the respondent, the respondent/father filed a maintenance case under Section 125 of Cr.P.C. in MC.No.59 of 2017, claiming a sum of Rs.10,000/- per month and Rs.50,000/- per annum towards food and other expenses and also sought for a further direction directing the petitioner to give the house, 12 sovereigns of jewels, chit amount of Rs.50,000/-, Rs.70,000/- allegedly received by the petitioner towards compensation by way of power grid and Rs.65,000/- by selling the goats. After adjudication, the trial court, vide order dated 29.12.2022, while rejecting the other claims made by the respondent had ordered for a monthly maintenance of Rs.7,500/- in favour of the respondent/father payable by the petitioner/son. Aggrieved by the same, the petitioner has come up with this revision.

3. Learned counsel for the petitioner submitted that, due to some



family dispute, in order to wreck vengeance, the elder son of the respondent/
brother of the petitioner instigated the respondent/father to file the above
said maintenance case against the petitioner. Learned counsel further
submitted that, the petitioner being a dutiful son is ready to pay the monthly
maintenance as ordered by the trial court in favour of the respondent.
However, the only grievance of the petitioner is that, the petitioner earlier
gave a sum of Rs.3,00,000/- to the respondent and the same may deducted
from the total arrears payable by the petitioner in favour of the respondent.

4. Learned counsel appearing for the respondent/father did not dispute
the fact that the respondent received a sum of Rs.3 Lakhs from the petitioner
and he has no objection for deducting the said amount from the total arrears
of maintenance payable by the petitioner.

5. Heard learned counsel on either and perused the material
documents placed on record.



6. Though very many grounds have been raised by the learned counsel on either side, at the time of arguments, in view of the fact that the respondent/father himself admitted that he received a sum of Rs.3 Lakhs from the petitioner/son, which is evident from the cross examination of the respondent, this Court while confirming the monthly maintenance awarded by the trial court in favour of the respondent, is inclined to modify the impugned award in the following manner:-

(i) the petitioner is directed to pay a maintenance amount of Rs.7,500/- per month as awarded by the trial court to the respondent without any default and the petitioner shall continue to pay the said amount to the respondent on or before the 7th day of every English Calendar month;

(ii) the petitioner is directed to pay the entire arrears of maintenance amount at the rate of Rs.7,500/-, after deducting the sum of Rs.3,00,000/- and other amount if any already paid, to the respondent within a period of four weeks from the date of receipt of a copy of this order.

7. With the above modifications and directions, this Criminal Revision



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case stands disposed of. Consequently, the connected Miscellaneous petition is closed.

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skt

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To

The Family Court Judge,
Dharmapuri.

M.DHANDAPANI, J.

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