



Crl.R.C.No.1151 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.R.C.No.1151 of 2024
and Crl.M.P.No.9652 of 2024**

S.Sankar

... Petitioner

Vs.

1.Shanmugam

2.Kasthuri

... Respondents

PRAYER : Criminal Revision Petition filed under Section 397 r/w. 401 of the code of Criminal Procedure, to set aside the order passed by the Family Court, Villupuram, in C.M.P.No.1 of 2023 in C.M.P.No.10 of 2022 in M.C.No.3 of 2021 dated 28.03.2024.

For Petitioner : Mr.R.Govindasamy

For Respondent : Dispensed with



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ORDER

The Criminal Revision Case is filed against the impugned order dated 28.03.2024 passed by the Family Court, Villupuram, in C.M.P.No.1 of 2023 in C.M.P.No.10 of 2022 in M.C.No.3 of 2021.

2. The learned counsel appearing for the petitioner submits that the petitioner is the son of the respondents and in order to harass the petitioner, a maintenance case was filed by the respondents in M.C.No.3 of 2021 before the Family Court, Villupuram, claiming a sum of Rs.10,000/- per month to each of the respondents and litigation expenses of Rs.5,000/- and the trial Court has ordered monthly maintenance of Rs.3000/- each per month to be paid by the petitioner to the respondents and since he has not paid the monthly maintenance, the respondents have filed a petition in C.M.P.No.10 of 2022 seeking arrears amount of Rs.1,02,000/-. Aggrieved by the same, the petitioner has filed a petition under Section 127 Cr.P.C in C.M.P.No.1 of 2023 seeking alteration of monthly



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maintenance, however, the same was dismissed. Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioner submits that the first respondent is having two properties and the second respondent is having gold ornament of 44 grams which are worth about Rs.1,50,000/-. They are having sufficient means for their livelihood and to prove the same, the petitioner has filed also the relevant documents which were marked as Ex.P1 to Ex.P17. However, the trial Court, without ascertaining the assets and financial position of the petitioner, has directed the petitioner to pay monthly maintenance of Rs.3,000/- to each of the respondents. Hence, he prays for appropriate orders.

4. Since no adverse order is going to be passed against the respondents, notice to the respondents is dispensed with.



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5. The respondents, who are the parents of the petitioner, have filed a petition in M.C.No.3 of 2021 against the petitioner seeking monthly maintenance of Rs.10,000/- each per month and the trial Court has directed the petitioner to pay monthly maintenance of Rs.3,000/- each per month to the respondents, however, the petitioner has not paid the monthly maintenance and therefore, the respondents have filed a petition in C.M.P.No.10 of 2022 seeking arrears amount of Rs.1,02,000/-, against which, the petitioner has filed a petition under Section 127 Cr.P.C seeking alteration of monthly maintenance and the same was dismissed for the reason that the first respondent is not in possession of any of the properties and the first respondent has cardiac problem and the respondents are aged persons. It is a duty cast upon the petitioner to maintain his parents and, though the respondents are having agricultural lands, the amount derived from the agricultural lands is not sufficient for them to run their lives and they are aged persons. Hence, this Court is not inclined to interfere with the



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order dated 28.03.2024 passed in C.M.P.No.1 of 2023 in C.M.P.No.10 of 2022 in M.C.No.3 of 2021 by the Family Court, Villupuram.

6. Accordingly, the Criminal Revision Case is dismissed.

Connected miscellaneous petition is closed.

05.07.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

ssb

To

The Family Court, Villupuram.



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M.DHANDAPANI, J.

ssb

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