



W.A.No.1966 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.A.No.1966 of 2023

R.Jawahar

.. Appellant

Vs.

1. R.Rajaramanan

2. The Sub Collector
Office of the Sub Collector.

3. The Sub Registrar
O/o. The Sub Registrar
Registration Department
Panruti Town
Cuddalore District 607 106.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 25.04.2023 in Review Petition No.10 of 2023 reviewing the order dated 28.09.2022 made in W.P.No.2371 of 2020 enhancing the quantum of maintenance from Rs.15,000/- to Rs.25,000/-.



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For the Appellant : Mr.P.Dinesh Kumar

For the Respondents : Mr.M.R.Thangavel
For Mr.K.Sundareswaran
for Respondent-1

Mr.C.Kathiravan
Special Government Pleader
for Respondents 2 & 3

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.P.Dinesh Kumar, learned counsel for the appellant, Mr.M.R.Thangavel, learned counsel for Mr.K.Sundareswaran, learned counsel for the first respondent and Mr.C.Kathiravan, learned Special Government Pleader for the respondents 2 and 3.

2. The writ petition was filed by the first respondent herein for cancellation of the Settlement deed. The request of the original writ petitioner to cancel the settlement deed was rejected by the authority. He filed writ petition before the learned Single Judge. The



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learned Single Judge directed payment of maintenance initially at the rate of Rs.15,000/- to each parent. Subsequently, the same was modified to Rs.25,000/- and 15,000/-, totally Rs.40,000/-.

3. Learned counsel for the appellant submits that maintenance was never claimed in the application filed before the authority. Even otherwise, the statutory limitation is Rs.10,000/-. The Court could not have granted beyond Rs.10,000/- per month.

4. Learned counsel for the first respondent submits that the order passed by the learned Single Judge is a discretionary and equitable order. The father has handed over the entire business to the appellant herein and has no source of income left.

5. We had referred the matter for mediation. However, mediation could also not succeed.

6. During the course of argument, we asked learned counsel



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for the appellant as to whether the appellant would be ready to pay maintenance at Rs.10,000/- to each parent. Learned counsel, in the morning session, sought time to take instructions. The matter was kept in the afternoon session. In the afternoon session, learned counsel for the appellant, on instructions, submits that the appellant would pay an amount of Rs.10,000/- towards maintenance to each parent, totally Rs.20,000/-.

7. It is the contention of the appellant that a civil suit is pending qua cancellation of the settlement deed. The parties may agitate about their rights in the pending civil suit with regard to the settlement deed.

8. As the appellant has now agreed to pay Rs.10,000/- per month as maintenance to each of his parents and that till March, he has already paid the amount of maintenance, as directed by the learned Single Judge, we pass the following order:



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(i) From 01.04.2024, the appellant shall pay maintenance at the rate of Rs.10,000/- per month to each parent, totally Rs.20,000/-, regularly till the issue of settlement deed is decided by the civil Court; and

(ii) The amount of maintenance, as agreed by the appellant, shall be paid on or before 5th of every month.

9. The writ appeal stands disposed of. There shall be no order as to costs. Consequently, C.M.P.No.16714 of 2023 is closed.

(S.V.G., CJ.)

(J.S.N.P., J.)

01.04.2024

Index : Yes/No

Neutral Citation : Yes/No

kpl

To

1. The Sub Collector
Office of the Sub Collector.

2. The Sub Registrar
O/o. The Sub Registrar, Registration Department
Panruti Town, Cuddalore District 607 106.



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THE HON'BLE CHIEF JUSTICE
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