



WEB COPY



Crl.R.C.No.2155 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

Crl.R.C.No.2155 of 2023

and

Crl.M.P.No.19531 of 2023

Nirmalkumar

... Petitioner

Vs.

Venugopal

... Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C, praying to call for the records relating to the order dated 29.08.2023 made in M.C.No.52 of 2021 on the file of the Family Court at Perambalur and set aside the same by allowing the above Crl.R.C.

For Petitioner : Mr.R.Bharath Kumar

For Respondent : Mr.B.Balavijayan

ORDER

This Criminal Revision Case is filed against the order of the Family Court at Perambalur dated 29.08.2023 in M.C.No.52 of 2021.



Crl.R.C.No.2155 of 2023

WEB COPY

2. The petitioner is the son and the respondent is the father. The petitioner has just completed his studies and was working temporarily for a shorter period and now he has been discharged from that job. Whiles, the mother of the petitioner, namely Rani filed a maintenance case under Section 125 of Cr.P.C. in M.C.No.38 of 2021 on the file of the Family Court at Perambalur against the respondent, claiming monthly maintenance. As a counter blast to M.C.No.38 of 2021, the respondent has filed maintenance case in M.C.No.52 of 2021 against the petitioner. After adjudication, in M.C.No.52 of 2021, the Trial Court has awarded a sum of Rs.6,000/- as monthly maintenance to the respondent. Aggrieved by the same, the present revision is filed by the petitioner/son.

3. The learned counsel appearing for the petitioner submitted that, the petitioner was pursuing his studies in college, however, the respondent filed a maintenance case as against the petitioner, in which the Trial Court ordered a sum of Rs.6,000/- as monthly maintenance in favour of the respondent, which is wholly unsustainable. Accordingly, he prays for allowing the revision.



Crl.R.C.No.2155 of 2023

WEB COPY

4. The learned counsel appearing for the respondent on instructions submitted that, at present the respondent did not want to proceed the maintenance case as against the petitioner. However, he submitted that liberty may be granted to the respondent to file a fresh maintenance case as against the petitioner, if he is able to prove that the petitioner was earning sufficiently after completing his studies.

5. Heard the learned counsel appearing for the parties and perused the materials available on record.

6. Admittedly, the relationship between the petitioner and the respondent is son and father. In view of the submissions made by the learned counsel appearing for the respondent, the order passed by the Family Court at Perambalur in M.C.No.52 of 2021, dated 29.08.2023 is set aside. However, liberty is granted to the respondent to workout the remedy in the manner known to law, if the petitioner secures a job after completing his studies.



WEB COPY



Crl.R.C.No.2155 of 2023

M.DHANDAPANI, J.

sp

7. Accordingly, the Criminal Revision Case is allowed.

Consequently, connected miscellaneous petition is closed.

10.04.2024

Index : Yes / No

Speaking order / Non-speaking order

NCC : Yes / No

sp

To

The Family Court, Perambalur.

Crl.R.C.No.2155 of 2023