



CrL.R.C.(MD)No.458 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrL.R.C.(MD)No.458 of 2024

in

CrL.M.P.(MD)Nos.5002 and 9930 of 2024

Kathiravan

... Petitioner

-VS-

Velusamy

... Respondent

PRAYER : Criminal Revision Case is filed under Section 397 r/w. 401 of Cr.P.C., to call for the records relating to the order passed in CrL.M.P.No. 557 of 2023 in M.C.No.7 of 2010 by the learned Family Court, Dindigul, dated 18.01.2024 and set aside the same.

For Petitioner

: Mr.D.Venkatesh

For Respondent

: Mr.S.Sarvagan Prabhu

ORDER

Challenging the order passed by the learned Judge, Family Court, Dindigul, in CrL.M.P.No.557 of 2023 in M.C.No.7 of 2010, dated 18.01.2024, this Criminal Revision Case has been filed.

2.The petitioner herein is the son of the respondent. The respondent is the senior citizen, of age 86 years. As early as in the year 2010, the



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respondent herein filed a Petition in M.C.No.7 of 2010 in which the petitioner was directed to pay a monthly maintenance of Rs.6,500/- on 26.05.2011. Thereafter, the respondent filed another petition to enhance the maintenance to Rs.10,000/-. However, the learned Trial Court enhanced the maintenance from Rs.7,500/- to Rs.8,500/-. Against which, the petitioner herein preferred a Criminal Revision Case before this Court. This Court has reduced the maintenance from Rs.8,500/- to Rs.7,500/-. While so, the petitioner was seriously affected by paralysis attack as the result of which, he was not able to actively involve in the business and hence, he filed a petition under Section 127 of Cr.P.C., before the learned Trial Court, seeking to modify the maintenance amount from Rs.7,500/- to Rs.1,000/-. The learned Trial Court after considering the statements of both the parties and further recording the fact that no documents were marked on both sides, proceeded to dismiss the petitioner's petition, seeking to modify the maintenance amount. Challenging the same, this Criminal Revision Case is filed.

3.The learned counsel appearing for the petitioner submitted that he himself is medically unfit and struggling to lead his life and he has to maintain two children and a wife. However, the father is living with his widowed daughter and recently he had also sold away one of his property and as such, he has sufficient means to maintain himself. The learned Trial Court ought to have considered the petitioner's present condition and



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should have modified the maintenance as prayed for. Since the same was not done, the order should necessarily be interfered with.

4.Per contra the learned counsel appearing for the respondent submitted that he is already living with his widowed daughter, who is a house wife without any independent income and he is at the responsibility of maintaining his widow daughter, who has one child. That apart, he himself is 86 years old and even assuming that he had sold his property, the same would not be even sufficient enough to meet his medical needs and he is suffering from kidney problem. The petitioner is running a fertilizer business and he is running two shops. Though he is encountered with paralysis attack, the business is flourishing and it is not necessary to interfere with the impugned order. By all means, it is the responsibility of a son to maintain his father, irrespective of all odds and pressed for dismissal of the Revision Case.

5.Heard both sides and carefully perused the materials available on record.

6.A careful perusal of the impugned order would reveal that the petitioner has not taken any diligent step to mark either the sale deed through which, the respondent has received Rs.7,00,000/- (Rupees Seven Lakhs only) as sale consideration or to substantiate his case before the



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learned Trial Court. Even otherwise this Court is of the considered view that a sum of Rs.7,500/- is a very nominal amount for a son to maintain his father and I am not inclined to interfere with the impugned order.

7.Accordingly, the Criminal Revision Case fails and the same is dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

04.08.2025

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

To

1.The Judge, Family Court, Dindigul.



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L.VICTORIA GOWRI, J.

Mrn

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