

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2015

CORAM

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

CRL.R.C.No.104 of 2015
and M.P.No.1 of 2015

A.Mubarak Basha ... Petitioner

vs.

1.Allah Bakash
2.Subaida Begum ... Respondents

PRAYER: Criminal Revision Case filed under Sections 397 and 401 of Criminal Procedure Code to set aside the order dated 08.12.2014 in MC.No.4 of 2012 on the file of the learned Chief Judicial Magistrate, Villupuram.

For Petitioner : Mr.I.Kowser Nissar

JUDGMENT

On 11.02.2015, this Court, while adverting to the memorandum of grounds made in CrI RC.No.104 of 2015 filed against an order dated 08.12.2014 in MC No.4 of 2012 on the file of the learned Chief Judicial Magistrate, Villupuram, and the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007, enacted with an object to

provide for more effective provisions for the maintenance and welfare of parents and senior citizens, and by observing that there is no merit in the revision petition, and taking note of the fact that the petitioner, is an Engineer, working in a IT Company, at Bangalaore, and not paid even a pie sofar from the inception of proceedings, directed him to pay arrears of maintenance of Rs.2,96,000/- within a period of three weeks, from 11.02.2015. The Court below has directed to pay maintenance of Rs.4,000/- each, to the parents aged 65 and 58 years, respectively.

2.Considering the avocation of the petitioner, legal and moral obligation, cost of living, inflation, price index and other basic amenities like food, shelter, clothes and in particular, health care and protection, by observing that the maintenance ordered to the parents is not excessive, this Court on 11.02.2015 directed the petitioner to pay arrears of maintenance of Rs.2,96,000/-. This Court has also observed that the petitioner should continue to pay monthly maintenance at the abovesaid rate, to the parents on or before the 5th day of every English Calendar month. Despite the orders, the petitioner has not made payment sofar. On 11.02.2015 itself, this Court could have dismissed the revision case. However, considering the request of the learned counsel for the petitioner that an attempt

can be made to settle the disputes amicably, Registry was directed to place the revision case before the Mediation and Conciliation Centre, High Court, Chennai, on 11.03.2015. However, even as on 11.02.2015, it was made clear that if the arrears of maintenance of Rs.2,96,000/- is not paid within a period of three weeks from the date of passing of the order, the matter need not be placed before the Mediation and Conciliation Centre, High Court, Chennai, and thus, the revision case has been posted before this Court. Only in the context of trying to settle the disputes amicably, learned counsel for the petitioner was permitted to take private notice on the respondents.

3. On this day, when the matter came up for hearing, Mr. I. Kowser Nissar, learned counsel for the petitioner submitted that private notice has been taken and therefore, the matter may be referred to Mediation and Conciliation Centre, High Court, Madras. The said request cannot be accepted, for the reason that even as early as on 11.02.2015, this Court has made it clear that unless the arrears of maintenance of Rs.2,96,000/- is paid, there is no need to place the matter before the Mediation and Conciliation Centre, High Court, Madras. Though the learned counsel for the petitioner submitted that an application has been taken out for extension of time for payment, considering the conduct of the petitioner in not taking care of his parents, who had

nurtured, raised, educated him as an Engineer in Information Technology, a specialized faculty, in Engineering, this Court is not inclined to consider any request for extension of time.

4.As per Section 11 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, a copy of the order of maintenance including the order regarding expenses of proceedings, as the case may be, shall be given without payment of any fee to the senior citizen or to parent, as the case may be, in whose favour it is made and such order may be enforced by any Tribunal in any place where the person against whom it is made, such Tribunal on being satisfied as to the identity of the parties and the non-payment of the allowance, or as the case may be, expenses, due. Sub Section (2) of Section 11 of the Act states that a maintenance order made under this Act shall have the same force and effect as an order passed under Chapter IX of the Code of Criminal procedure, 1973 (2 of 1974) and shall be executed in the manner prescribed for the execution of such order by that code.

Criminal Revision Case is dismissed. Respondents are at liberty

to enforce the order of maintenance as per Section 11 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Consequently, connected Miscellaneous Petition is closed.

27.03.2015

Index : Yes/No
Internet : Yes/No
mps

Note to Office:

Registry is directed to send the copies of the order made in CrIIRC.No.104 of 2015 dated 11.02.2015 and 26.03.2015 respectively to (1)Allah Bakash and (2)Subaida Begum, Virattikuppam Road, Appasamy Mudaliar Nagar, Villupuram. Registry is further directed to send the copies of the abovesaid orders to the learned Chief Judicial Magistrate, Villupuram District, for effecting service on the respondents.

Issue order copy on 31.03.2015.

To

1.The Chief Judicial Magistrate,
Villupuram.

2.The Public Prosecutor,
High Court of Madras,
Chennai.

S.MANIKUMAR, J,

mps

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