

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.227 of 2012

and

M.P.No.1 of 2012

T.H.Abu Talha

...Petitioner

Vs.

Naseema Bee

...Respondent

This Criminal Revision case has been filed under Sections 397 and 401 of Code of Criminal Procedure to call for the records relating to the order passed by the learned District Munsif-cum-Judicial Magistrate, Ranipet, Vellore, in M.C.No.1 of 2011 dated 28.12.2011 and set aside the same.

For Petitioner : Mr.V.Arul - No Appearance

For Respondent : Mrs.P.A.Chitramani

ORDER

This criminal revision case has been filed against the order of maintenance dated 28.12.2011 in M.C.No.1 of 2011 passed by the learned District Munsif-cum-Judicial Magistrate, Ranipet, Vellore.

2 Since this criminal revision case is pending from the year 2012 without any progress and the learned counsel for the petitioner is not co-operating with this Court to dispose of the case on merit, despite several opportunities given and also considering the fact that the revision is preferred only against the order of maintenance, this Court, as no other option, gone through the papers and dispose of the same on merit.

3 Heard the learned counsel appearing for the respondent and carefully perused the materials available on record.

4 It is seen that the petitioner is husband and the respondent is wife. The respondent has filed case against the petitioner under Section 125 Cr.P.C. seeking maintenance in M.C.No.1 of 2011. The learned District Munsif-cum-Judicial Magistrate, Ranipet, Vellore, after hearing both the counsel, by order dated 28.12.2011, granted maintenance at Rs.1100/-.

Challenging the same, the husband is before this Court with the present criminal revision case.

5 It is the main contention of the petitioner/husband before the Court below is that Thalak, as per Muslim Law, was already been given to the respondent and she also received the amount of Rs.3,46,000/- and therefore she is not entitled to claim maintenance from the petitioner. The respondent in her petition filed under Section 125 Cr.P.C. has stated that marriage was solemnized between the petitioner and the respondent on 14.12.2008 as per Muslim Rites and Customs and the parents of the respondent provided 13 sovereigns of gold, Tow Wheeler worth Rs.65,000/-, cash of Rs.10,000/- and spent Rs.2,00,000/- for the marriage. The petitioner, on the ill-advise made by his family members had demanded dowry and caused cruelty to the respondent and the respondent was ill-treated by the family members of the petitioner and was not given any respect by them. Further they did not even provide food for the respondent and hence the respondent left the matrimonial home.

6 It is seen that relationship of the parties is not in dispute and they are living separately is also not in dispute. It is stated that the petitioner was working as Immam and earning Rs.15,000/- per month. The learned Magistrate, considering all the submissions made on either side, had awarded Rs.1100/- as maintenance to the respondent/wife and the Magistrate has also observed that even the divorced Muslim women is also entitled for maintenance till she is getting marriage with another. The respondent/wife has proved her claim and the income of the petitioner/wife and further the respondent/wife did not file any revision seeking enhancement of maintenance. Considering the income of the petitioner and the cost of living prevails as on date, this Court does not find any perversity in the order of maintenance at Rs.1,100/- granted by the learned Magistrate and the same does not call for any interference.

7 In the result, the criminal revision case is dismissed and the petitioner/husband is directed to pay entire arrears of maintenance within a period of three months from the date of receipt of a copy of this order and also directed to pay the maintenance as ordered by the learned Magistrate. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

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Sub Assistant Registrar

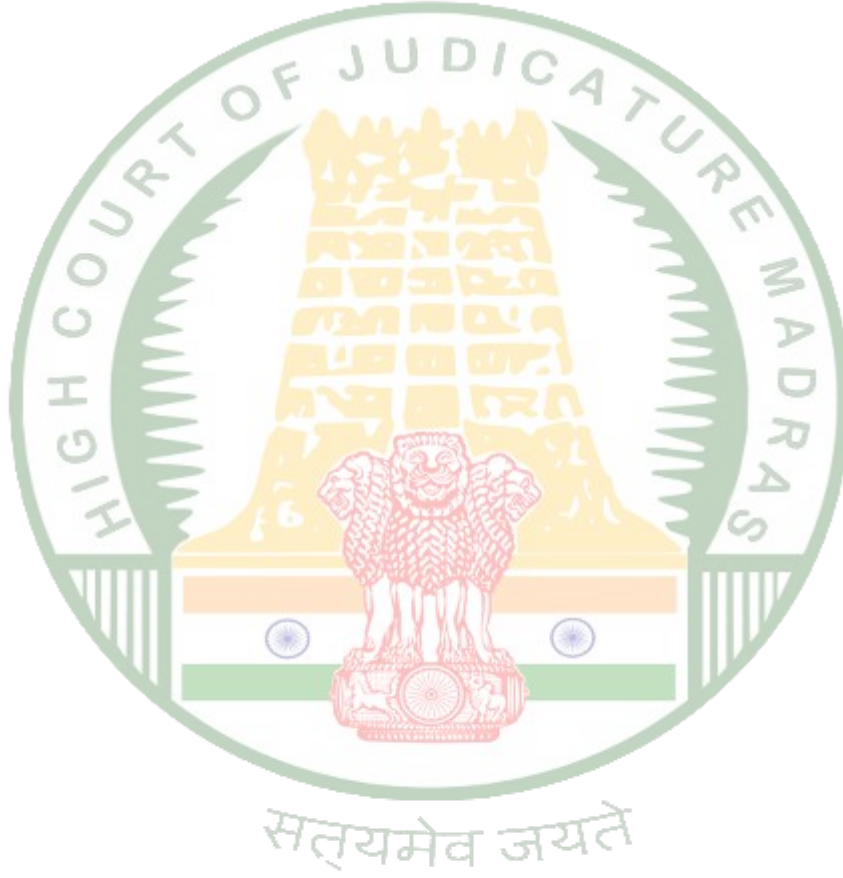
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To

The District Munsif-cum-Judicial Magistrate,
Ranipet, Vellore.

Cr1.R.C.No.227 of 2012 and
M.P.No.1 of 2012

MG (CO)
GN (01/11/2019)



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