

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 01.08.2019
CORAM
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Writ Petition No.1707 of 2018 and
WMP.No.2126 of 2018

1. Mirza Mohammed Nawaz (Died)
2. Mrs.Khairunnisa Begum
Petitioners

(The 2nd petitioner substituted as LR of the deceased 1st petitioner, as per order of this Court in WMP.No.21039 of 2019 dated 23.07.2019)

Vs

1. The Inspector of Police
D2, Anna Salai Police Station
Chennai - 600 002.
2. Abbas Aga
3. Syeda Fathima Zurriath

Respondents

(The 3rd respondent impleaded as party, as per order of this Court in WMP.No.5647 of 2018 dated 23.07.2019)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus or any other appropriate writ, order or direction directing the 1st respondent to take necessary action against the 2nd respondent for not complying with the payment of monthly maintenance amount of Rs.6,000/- along with arrears amount to the petitioner herein.

For Petitioner : Mr.T.Sundaravadanam
For Respondents : For R1 - Mr.M.Mohamed Riyaz
Additional Public Prosecutor
For R2 - No appearance
For R3 - Ms.M.Vanitha for
M/s.Majestic Law Firm

O R D E R

This Writ Petition has been filed for a direction to the 1st respondent police to take necessary action against the 2nd respondent, for not complying with the order directing the 2nd

respondent to pay maintenance to the petitioner.

2. Initially, this Writ Petition was filed by the father of the 2nd respondent. He died during the pendency of this Writ Petition and therefore the mother of the 2nd respondent was substituted as the petitioner.

3. During the pendency of this Writ Petition, the learned counsel appearing on behalf of the petitioner submitted a memo of calculation before this Court. As per the memo of calculation, the total arrears of maintenance payable by the 2nd respondent to his parents was a sum of Rs.1,80,000/-, from 01.02.2017 to 14.07.2019. Out of this amount, the 2nd respondent had already paid a sum of Rs.1,39,000/-. After deducting the same, there was an arrears of Rs.41,000/- payable by the 2nd respondent.

4. The learned counsel further submitted that out of arrears of maintenance amount payable by the 2nd respondent amounting to a sum of Rs.41,000/-, the 2nd respondent had already paid a sum of Rs.18,000/-. Therefore, the balance amount of Rs.23,000/- only remains to be paid. The learned counsel also brought a Demand Draft bearing No.197489 of Canara Bank, Royapettah Branch, Chennai, drawn in favour of the petitioner, "Khairunnisa Begum", for a sum of Rs.23,000/-. The said Demand Draft was handed over to the learned counsel appearing for the petitioner. With this payment, the entire arrears of maintenance has been paid upto date.

5. The learned counsel appearing on behalf of the 2nd respondent further submitted that now the father of the 2nd respondent died and therefore, the 2nd respondent will continue to pay the maintenance to his mother at the rate of Rs.3,000/- per month, which was fixed by the concerned authority.

6. Even though, the 2nd respondent had filed an appeal, in view of the fact that his father died and the maintenance has to be paid only to his mother at the rate of Rs.3,000/- per month, the 2nd respondent is no more interested in prosecuting the appeal and he will continue to pay the maintenance amount every month to his mother without fail.

7. In view of the above developments, no further orders are required to be passed in this Writ Petition and there shall be a direction to the 2nd respondent to pay a monthly maintenance of Rs.3,000/- to the petitioner every month without fail, till her life time.

8. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vrn

To

The Inspector of Police
D2, Anna Salai Police Station
Chennai - 600 002.

+1 cc to Mr.T.Sundaravadanam Advocate sr66172

+1 cc to M/s.Majestic law firm sr 66177

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