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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Cr1.R.C.No.1194 of 2017

and

Cr1.M.P.No.11408 of 2017

Noor Mohammed .. Petitioner/Respondent

Vs

1. Mehrajbanu

2. Minor Noorul Sabana

Rep.by Mother and Natural Guardian Mehrajbanu

.. Respondents/Petitioners

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. praying to call for the records and set aside the order dated 21.06.2017 passed in M.C.No.23 of 2014, on the file of the Chief Judicial Magistrate, Perambalur.

For Petitioner : Mr.Sai Bharathi and Ilan

For Respondents : Mr.R.Rajamani

ORDER

The revision petitioner is the husband and the first respondent is the wife. They got married on 19.02.2006. Out of the said wedlock, they were blessed with a female child i.e., the second respondent. Due to a matrimonial dispute, they were separated. The respondents filed a petition for maintenance before the learned Chief Judicial Magistrate, Perambalur, claiming a sum of Rs.20,000/- per month. Considering the materials available on record, the Court below directed the petitioner herein to pay a monthly maintenance of Rs.3,000/- to the first respondent and Rs.2,000/- to the second respondent, totaling Rs.5,000/- per month from the date of petition for maintenance. Challenging the same, the petitioner has come up with this Criminal Revision Case.

2. The learned counsel for the petitioner has submitted that the petitioner was suffering from mental disorder and depending on his parents and the same was also admitted by the first respondent during her examination before the Court below. The learned counsel also submitted that the petitioner is earning a meagre sum as a driver, however, he is



taking care of the educational expenses of the second respondent. It is also submitted that the first respondent deserted the petitioner voluntarily and is living with her parents. Hence, the learned counsel sought to set aside the order impugned herein.

3. The learned counsel for the respondents has submitted that the Court below has considered the materials on record in a proper perspective and ordered the maintenance amount and hence the same does not require any interference in the hands of this Court.

4. Heard both sides and perused the papers.

5. Taking note of the fact that the petitioner has been suffering from mental illness, which was also admitted by the first respondent and he is unable to do any work and having regard to the present status of the first respondent, this Court is inclined to restrict the order dated 21.06.2017 passed by the Court below, only with respect to the second respondent alone. Insofar as the maintenance awarded to the first respondent/wife, the impugned order stands set aside. The petitioner is directed to settle the entire arrears of maintenance payable to the second respondent as ordered by the Court below within a period of eight weeks from the date of receipt of a copy of this order. The petitioner shall also continue to pay the amount as ordered by the Court below, on or before 5th of every Succeeding English calendar month, without any default. In the event of the failure on the part of the petitioner in complying with the said directions, it is open to the second respondent to proceed against the petitioner for recovery of the same, in the manner known to law. Further, the first respondent is at liberty to claim the arrears of maintenance as ordered by the Court below from the date of maintenance petition till the date of order i.e., 21.6.2017, against the petitioner, as per law.

6. Accordingly, this Criminal Revision Case stands disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar



To

The Chief Judicial Magistrate,
Perambalur.

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+1cc to Mr.R.Rajamani, Advocate SR.No.16897

+1cc to Mr.T.Sai Krishnan, Advocate SR.No.15751

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SSD (CO)

GMV (01/07/2020)