



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 16.03.2022  
CORAM:

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN**

**Crl.R.C. (MD)No.265 of 2022**

**and**

**Crl.M.P. (MD)No.3476 of 2022**

Jahir Hussain

... Petitioner/Respondent

Vs.

1. Hameetha Begam

2. Anish Fathima

... Respondents/Petitioners

**Prayer :** This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order dated 11.01.2022 passed in M.C.No.18 of 2020 on the file of the Family Court, Tirunelveli and to set aside the same and to allow this Criminal Revision Petition.

For Petitioner : Mr.C.Saravana Kumar

**O R D E R**

This petition has been filed to set aside the order dated 11.01.2022 passed in M.C.No.18 of 2020, on the file of the Family Court, Tirunelveli, thereby ordered maintenance of Rs.5,000/- per month only to the second respondent till her marriage.

2.The learned counsel for the petitioner submitted that the second respondent is not suffering any physical or mental disablement, the second respondent is also not eligible for maintenance as per Section 125 of Cr.P.C. As per Section 3(1)(b) of the Muslims Women (Protection of Rights on Divorce) Act, only a Muslim daughter can claim maintenance from the parents only a period of two years. He further submitted that already the respondents along with other two daughters filed a suit in O.S.No.92 of 2007 on the file of Sub Court, Valliyoor, claiming maintenance. The said suit was dismissed as against the first respondent and was allowed as far as the daughters are concerned and thereby, the petitioner was directed to pay a sum of Rs.500/- to each children. In the said suit, the second respondent was also a party. Therefore, the second respondent is not all entitled to claim further maintenance. He also submitted that the second respondent attained majority and as such she is not entitled for maintenance.

3.Heard the learned counsel for the petitioner and considering the nature of relief to be granted, issuance of notice to the respondents is dispensed with.



4. On perusal of the record, it is seen that The petitioner and the first respondent are husband and wife. They got married on 11.09.1994 and they gave birth to the second respondent. Due to misunderstandings, their marital life came under strain. While being so, the respondents filed a petition for maintenance. The Court below dismissed the maintenance case as regards the first respondent and ordered maintenance for the second respondent to the tune of Rs.5,000/- payable by the petitioner till her marriage. The respondents along with other two daughters already filed a suit for maintenance in O.S.No.92 of 2007 claiming maintenance. The said suit was dismissed as far as the first respondent and the trial Court ordered maintenance of Rs.500/- as monthly maintenance to the second respondent and other daughters till their marriage. However, the petitioner did not comply the same. Insofar as, seeking maintenance under Section 125 of Cr.P.C., is concerned, it does not say as if it is only applicable for for particular region. Therefore, all the persons are entitled to get maintenance under Section 125 of Cr.P.C. Since there is specific provision in Muslims Women (Protection of Rights on Divorce) Act, the second respondent can very well seek maintenance from her parents. The petitioner being the father of the second respondent, he is duty bound to maintain her own daughter. Though the second respondent attained majority, the trial Court rightly ordered maintenance till her marriage and the trial Court ordered maintenance only a sum of Rs.5000/-, which is very meagre. Therefore, this Courts does not find any infirmity or illegality in the order passed by the Court below. The impugned order stands confirmed and the criminal revision case is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To:-

1. The Judge, Family Court, Tirunelveli.
2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

COPY TO:

The Sub Court, Valliyoor.

+1 CC to M/s.C.SARAVANAKUMAR, Advocate ( SR-12892[F] dated 18/03/2022 )

**CrI.R.C. (MD) No.265 of 2022**  
**16.03.2022**