



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2022

CORAM:

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

Crl.O.P.(MD) No.8170 of 2022

and

Crl.M.P(MD) No.5517 of 2022

Abthulla @ Muhamathu Rafeek

...Petitioner/
Petitioner / Respondent

Vs.

1. Sharmila Banu
2. Minor. Selina Banu

...Respondents / Respondents /
Petitioners

(Minor 2nd Respondent is represented by
her mother and natural Guardian viz., 1st
Respondent herein)

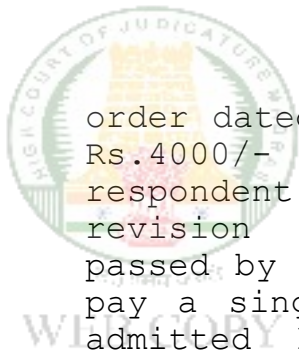
PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. against the order dated 10.03.2022 in Crl.R.P.No.7 of 2020 by the learned Principal Sessions Judge, Sivagangai confirming the award of maintenance Under Section 125 of Cr.P.C for a sum of Rs.4000/- per month to the first respondent and for a sum of Rs.2000/- per month to the second respondent (totally Rs.6000/- by the learned Principal District Munsif cum Judicial Magistrate, Karaikudi made in MC No.22 of 2013 by its order dated 18.09.2020.

For Petitioner : Mr. P.Saravanakumar

ORDER

This petition has been filed against the order dated 10.03.2022 in Crl.R.P.No.7 of 2020 by the learned Principal Sessions Judge, Sivagangai confirming the award of maintenance Under Section 125 of Cr.P.C for a sum of Rs.4000/- per month to the first respondent and for a sum of Rs.2000/- per month to the second respondent (totally Rs.6000/- by the learned Principal District Munsif cum Judicial Magistrate, Karaikudi made in MC No.22 of 2013 by its order dated 18.09.2020.

2. The petitioner got married with the first respondent on 11.07.1999 and thereafter due to misunderstanding and cruelty committed by the petitioner, the respondents left the matrimonial home. Since the respondents were unable to maintain themselves, they have filed a petition for maintenance in MC No.22 of 2013 on the file of the learned Principal District Munsif cum Judicial Magistrate, Karaikudi seeking maintenance and the Court below vide



order dated 18.03.2020 had directed the petitioner to pay a sum of Rs.4000/- to the first respondent and Rs.2000/- to the second respondent. Aggrieved by the same, the petitioner has filed a revision and the same was also dismissed confirming the order passed by the Court below. Admittedly the petitioner did not even pay a single paise till today to the respondent and it was also admitted by the petitioner in his evidence before the trial Court. Further no income proof has been filed by the petitioner, accordingly court below has ordered only meagre sum of Rs.4000/- to the first respondent and Rs.2000/- to the second respondent as maintenance. The first appellate Court also confirmed the order of the trial Court and this Court finds illegality or infirmity in the order passed by the Court below.

3. In the result, the petition stands dismissed. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

aav

Copy To

1 The Principal Sessions Judge,
Sivagangai

2.The Principal District Munsif cum Judicial Magistrate,
karaikudi

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29.04.2022

MK/19.05.2022/2P/3C