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Crl.R.C.No.1045 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1045 of 2024

1.Minor Shahana Begum
Rep.by her mother and Guardian,
Zeeshan Begum

2.Minor Shehanas
Rep.by her mother and Guardian,
Zeeshan Begum

... Petitioners

Vs.

Mohamed Shaifiulla

... Respondent

PRAYER : Criminal Revision Petition filed under Section 397 r/w. 401 of the code of Criminal Procedure, to set aside the order dated 14.07.2023 passed in C.M.P.No.4467 of 2022 in M.C.No.5 of 2022 on the file of the Judicial Magistrate No.1, Tindivanam and consequently, award the interim maintenance to the petitioners as prayed for in C.M.P.No.4467 of 2022 in M.C.No.5 of 2022.

For Petitioners : Mr.T.Saikrishnan

For Respondent : Mr.S.Madhar Khan



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ORDER

The Criminal Revision Case is filed against the impugned order dated 14.07.2023 passed in C.M.P.No.4467 of 2022 in M.C.No.5 of 2022 by the learned Judicial Magistrate No.1, Tindivanam.

2. The case of the petitioners is that the petitioners are the daughters of the respondent and one Zeeshan Begum is the mother of the petitioners and the petitioners have filed a maintenance case in M.C.No.5 of 2022 before the learned Judicial Magistrate No.1, Tindivanam, against the respondent, seeking monthly maintenance of Rs.25,000/- on the ground that the respondent neglected the petitioners and their mother, wherein, a petition has been filed in C.M.P.No.4467 of 2022 seeking interim maintenance and it was dismissed on the ground that the mother of the petitioners has filed a maintenance case in M.C.No.2 of 2022, in which, a petition seeking interim maintenance was also filed and a sum of Rs.5,000/- per month was awarded as interim maintenance for the educational expenses of the petitioners also. Challenging the same, the present petition has been filed.



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3. The learned counsel appearing for the respondent submits that the respondent is ready to pay a sum of Rs.2,500/- per month to each of the petitioners and that this Court may direct the trial Court to dispose the maintenance case within a reasonable time fixed by this Court.

4. The learned counsel appearing for the petitioner has also no serious objection to the submission made by the learned counsel appearing for the respondent.

5. Considering the submissions made by the learned counsel appearing for the petitioners and the learned counsel appearing for the respondent, this Court is inclined to set aside the impugned order dated 14.07.2023 passed in C.M.P.No.4467 of 2022 in M.C.No.5 of 2022 by the learned Judicial Magistrate No.1, Tindivanam and accordingly, it is set aside on the following directions:



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(i) the respondent is directed to pay a sum of Rs.2,500/- (Rupees Two Thousand Five Hundred only) per month to each of the petitioners on or before 7th of every succeeding English Calender month till the disposal of the maintenance case and deposit the entire arrears amount, less the amount if any already paid, within a period of four months from the date of receipt of a copy of this order.

(ii) the trial Court is directed to dispose of M.C.No.5 of 2022 within a period of five months from the date of receipt of the entire arrears.

6. Accordingly, the Criminal Revision Case is allowed.

21.06.2024

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To
The Judicial Magistrate No.1, Tindivanam



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M.DHANDAPANI, J.

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