



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2012

C O R A M

**THE HONOURABLE Mr.JUSTICE A.SELVAM**

CRIMINAL REVISION CASE No.955 of 2011  
and  
MISCELLANEOUS PETITION No.1 of 2011

Mohaideen Abdul Rahman .. Petitioner

Vs

1.Seyad Ali Fathima

2.Minor Mohaideen Shana  
(Minor second respondent  
is represented by mother  
and natural guardian viz.,  
first respondent)

.. Respondents

Criminal Revision Case has been filed under Sections 397 read with 401 of the Code of Criminal Procedure, 1973 against the order dated 31.10.2011 passed in M.C.No.46 of 2008 by the learned Chief Judicial Magistrate, Tirunelveli.

For Petitioner : Mr.S.Palanivelayutham

For Respondents : Mr.S.P.Maharajan

**ORDER**

The impugned order passed in M.C.No.46 of 2008 by the Chief Judicial Magistrate's Court, Tirunelveli is being challenged in the present Criminal Revision Case.

2. The respondents herein as petitioners have filed a petition in M.C.No.46 of 2008 on the file of the Court below praying to direct the respondent therein to grant monthly maintenance to them. The Court below after considering the available evidence on record has allowed the petition and thereby directed the respondent therein to give monthly maintenance of Rs.2,500/- to each petitioner. Against the order passed by the Court below, the present Criminal Revision Case has been filed.

3. The learned counsel appearing for the revision petitioner has sparingly contended that the petitioner is earning less than Rs.10,000/- by way of monthly income and his aged parents are also under his care and custody and under the said circumstances the



quantum of monthly maintenance fixed by the Court below is liable to be modified.

4. The learned counsel appearing for the respondents has contended that the revision petitioner has been earning more than Rs.10,000/- per mensem and after considering his financial status, the Court below has directed him to pay Rs.2,500/- to each petitioner by way of monthly maintenance and therefore the impugned order passed by the Court below does not require any interference.

5. Considering the fact that the aged parents of the revision petitioner are under his control and also considering his monthly income, this Court is of the view that each petitioner can be awarded a sum of Rs.2,000/- per mensem as maintenance. With the above modification, this Criminal Revision Case is liable to be allowed in part.

6. In fine, this Criminal Revision Case is allowed in part. The quantum of monthly maintenance awarded to each petitioner is modified as follows:

The revision petitioner/respondent is directed to pay monthly maintenance of Rs.2,000/- to each respondent/petitioner. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

To

- 1 The Chief Judicial Magistrate,  
Tirunelveli.
- 2 The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

Crl.R.C (MD) No.955 of 2011  
and  
M.P (MD) No.1 of 2011  
31.08.2012

NSV/13.9.12/2P/3C