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SLP(Crl.)No. 1676 OF 2001
ITEM No.203

Court No.10

SECTION II
A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No. 1676/2001

(From the judgement and order dated 16/08/2000 in CRLR 711/98
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

NAJMA & ORS.

Petitioner (s)

VERSUS

HAFIZ JAMAL AHMAD

Respondent (s)

(With Appln(s). for c/delay in filing SLP & for c/delay in refiling
SLP & interim Relief & exemption from filing O.T. & permission to
place addl. documents on record & exemption from filing O.T. &
office report)

(For Final Disposal)

Date : 17/08/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. M Atiqur, Rehman, Adv. for
Ms. Sunita Sharma, Adv.

For Respondent (s) Mr. Shahid Rizvi, Adv.
Mr. Irshad Haneef, Adv. for
Mrs Sarla Chandra, Adv.

UPON hearing counsel the Court made the following
O R D E R

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Delay condoned.
Leave granted.
The appeal is allowed in terms of the signed order.

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(D.L. Chugh)
Court Master

(K.K. Chadha)
Court Master

Signed order is placed on the file

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.832 OF 2001@@
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(Arising out of SLP(Crl) No.1676 of 2001)

Najma & Ors. 0 ...Appellants

VERSUS

Hafiz Jamal AhmadRespondent

O R D E R@@
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Heard learned counsel for the parties.
Leave granted.

By order dated 27th February, 1998, Family Judge, Meerut allowed the application filed by the plaintiffs/appellants - children and directed the respondent/defendant to pay maintenance allowance at the rate of Rs.250/- per children from the date of the application. That application under Section 125 Cr.P.C. was filed on 16-12-1991 but it took considerable time in its disposal and the order was passed only on 27-2-1998.

Considering the fact that the order for interim maintenance was also passed, exercising its discretion under Section 125(2) Cr.P.C. the trial court passed the order that the plaintiffs were entitled to get maintenance from the date of the application.

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That order was challenged by the respondent by filing revision application before the High Court. The High Court, vide order dated 16th August, 2000 arrived at the conclusion that as no reason has been recorded for granting or awarding maintenance from the date of the application, the same was required to be set-aside. The High Court itself has not given any reason why maintenance should not be granted to minor children from the date of application. As a matter of course, minor children are entitled to get the maintenance from their father and, therefore, there was no reason for the High Court to interfere with the order passed by the trial court.

Hence, the impugned order passed by the High Court is set-aside and the order passed by the Family Judge, Meerut is restored. This appeal is allowed.

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.....J.@@
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(M.B. SHAH)@@
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.....J.@@

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(R.P. SETHI)@@
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New Delhi,
August 17, 2001