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Mohideen Bi Vs. Bashu Sahib

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SooperKanoon Citation : sooperkanoon.com/788950

Court : Chennai

Decided On : Mar-25-1937

Reported in : AIR1937Mad809; (1937)2MLJ278

Appellant : Mohideen Bi

Respondent : Bashu Sahib

Judgement :
ORDER

King, J.

1. In this case, maintenance was claimed by a Muhammadan wife for herself and her children. It was found by the learned Magistrate that the respondent made a bona fide offer to maintain them in his own house, which petitioner, his wife, unreasonably refused to accept. Her application was accordingly dismissed. In revision it is argued that the Magistrate should have awarded maintenance to the children, whose legal guardian their mother is, and who cannot therefore be taken separately to live with her father. In support of this argument, I have been referred to In re Parathy Valapptl Moideen : (1913)25MLJ355 and Allah Rakhi v. Karam Ilahi A.I.R. 1933 Lah. 969 and no authority has been cited to the contrary.

2. The petition will accordingly be sent back to the Magistrate with a direction, to enquire what is the proper rate of maintenance for the children, and to award them maintenance at that rate.

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