

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE Nos.814 of 2014 & 2003 of 2015

COMMON ORDER:

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1. Since both the revision cases arise out of one and the same order and the parties are common, both the revisions are heard together and being disposed of by this common order.

2. Crl.R.C.No.814 of 2014 is filed by the husband whereas Crl.R.C.No.2003 of 2015 is filed by the wife aggrieved by the order dated 10.1.2014 passed in FCOP No.31 of 2012 by the Family Court-cum-IV Additional District and Sessions Judge, Adilabad. For the sake of convenience, the status of the parties will be hereinafter referred to as "petitioner-wife and 2nd respondent-husband".

3. The petitioner-wife filed the above FCOP seeking to award monthly maintenance of Rs.5,000/- to her and to direct her husband-2nd respondent to pay the same from the date of petition. After conducting trial, the trial Court allowed the FCOP awarding maintenance of Rs.1,500/- per month payable by the 2nd respondent-husband to the petitioner-wife from the date of the order and directing the 2nd respondent-husband to pay monthly maintenance on or before 5th of every succeeding month. Aggrieved by the award of maintenance, the 2nd respondent-husband filed Crl.R.C.No.814 of 2014, whereas seeking enhancement of maintenance awarded by the trial Court, the petitioner-wife filed Crl.R.C.No.2003 of 2015.

4. Heard and perused the material available on record.

5. Learned Counsel appearing for the petitioner-wife submitted that the 2nd respondent-husband is working as Security Guard and he is earning salary of Rs.10,000/- per month and the maintenance awarded by the trial Court is very meager and therefore, the same may be enhanced.

6. Learned Counsel appearing for the 2nd respondent-husband submitted that the 2nd respondent is not working as Security Guard as stated by the petitioner-wife and he has no sufficient earnings to maintain himself and therefore, the maintenance awarded by the trial Court may be set aside.

7. There is no dispute as to the relationship between the parties. Considering the facts and circumstances of the case and after hearing the arguments of both the Counsel, this Court is inclined to modify the order of the trial Court as follows:

I) The 2nd respondent-husband is directed to pay Rs.1,000/- (Rupees One Thousand only) per month to the petitioner-wife from the date of filing the FCOP till the date of the order of the trial Court and to pay the arrears, if any, in two equal instalments;

II) The 2nd respondent-husband is further directed to pay the monthly maintenance at the rate of Rs.1,500/- to the petitioner-wife from 10th January, 2014, the date of order of the trial Court and to pay the arrears within a period of three months, if any, at the same rate, after deducting the amount already paid, and continue to pay the same every month on or before 10th of every succeeding month;

III) Rest of the order of the trial Court with regard to the direction to the petitioner-wife to open bank account, shall remain.

8. With the above modifications, the Criminal Revision Cases are disposed of. Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 6th November, 2015

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