

HON'BLE SMT JUSTICE ANIS
CRIMINAL REVISION CASE No.2139 OF 2012

ORDER:

This Criminal Revision Case under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C') is filed by the revision petitioner herein challenging the order dated 22-04-2010, passed by the Family Court-cum-V Additional District Judge, Tirupati.

2. The revision petitioner herein is respondent in Maintenance Case No.41 of 2007, whereas respondent No.1 is the petitioner and respondent No.2 is the State. For the sake of convenience, the parties hereinafter will be referred to as they are arrayed in the Maintenance Case before the trial Court.

3. The case of the petitioner in the above said Maintenance Case is that the marriage of the petitioner with respondent was held on 11.12.2005 at Srinadh Park Hotel, Tirupati, as per Hindu rites and customs and it is an arranged marriage. At the time of marriage Rs.2,00,000/- of cash, 20 tulas of gold and Rs.20,000/- for house hold articles were given as dowry. The said marriage was celebrated by the mother of petitioner. After the marriage, they put up family at Sundaraiah Nagar, Tirupati. After some time, the respondent's father threatened the petitioner, as such she left the matrimonial home and went to her parents house. According to the petitioner, the respondent is running a medical shop by name, Lakshminarayana Medicals, near T.Nagar and getting income. The respondent left to Bangalore and did not return from Bangalore and stopped even talking with the petitioner. The petitioner does not have any financial assistance to maintain

herself and she is depending on her mother, who does not have any income or property. The respondent filed O.P.No.23 of 2007 seeking divorce on the file of Principal Senior Civil Judge, Chittoor, on frivolous grounds and issued notice on 12.02.2007. The petitioner also gave a reply to the said notice on 03.03.2007. As the respondent failed to pay maintenance, the petitioner filed the Maintenance Case seeking maintenance of Rs.20,000/- per month.

4. In the counter respondent denied the allegations of receiving dowry at the time of marriage and also demanding additional dowry subsequently. The respondent admitted that his marriage was performed with the petitioner on 11.12.2005. According to the respondent on 05.02.2006, the petitioner herself picked up an unnecessary quarrel with respondent, left the company of the respondent and went to her parents. As the petitioner refused to join respondent, he issued a legal notice on 12.02.2007 and the petitioner gave a reply with false allegations. According to the respondent, the petitioner was working as Supervisor in Srikrishna Teja Dental College and earning Rs.10,000/- p.m. and also getting Rs.15,000/- p.m. on garment business. Therefore, she has means to maintain herself and is not depending on her parents and prayed the Court to dismiss the petition.

5. During the trial, the petitioner herself was examined as P.W.1 and Exs.P1 to P4 were marked. The respondent himself was examined as R.W.1 and no documents were marked.

6. The trial Court after considering the oral and documentary evidence, granted maintenance of Rs.5,000/- p.m. to the petitioner holding that the respondent failed to prove that the petitioner was earning Rs.10,000/- p.m. by working as Supervisor in Srikrishna

Teja Dental College and also earning Rs.15,000/- p.m. on garment business.

7. Aggrieved by the judgment of the trial Court, the respondent preferred the present revision on the ground that the Court below granted maintenance of Rs.5,000/-, which is a huge amount and there is no evidence to prove his income and further the petitioner herself voluntarily deserted him, therefore, she is not entitled for maintenance.

8. On the other hand, learned counsel for the petitioner argued that there is no dispute about the marriage of the petitioner and respondent and after marriage they lived happily for some time. Thereafter, quarrels started and the petitioner was harassed by the respondent. The petitioner was driven out of the house as such she was residing with her parents and her mother is unable to maintain herself. It is also argued that the respondent was earning Rs.20,000/- p.m. on medical shop and prayed the Court to dismiss the revision as the order of the trial Court in granting maintenance is just and reasonable and needs no interference.

9. Now, the point for determination is “Whether the petitioner is entitled to set aside the order dated 22-04-2010 in Maintenance Case No.41 of 2007 passed by the Family Court-cum-V Additional District Judge, Tirupati?”

10. **POINT**: A perusal of the oral and documentary evidence, there is no dispute that the petitioner and respondent are wife and husband and their marriage was performed on 11.12.2005 at Srinadh Park Hotel, Tirupati, as per Hindu rites and customs. After the marriage, the petitioner joined the company of the respondent and sometime thereafter, quarrels started on the

ground that the respondent demanded additional dowry, as such the petitioner left the company of the respondent and staying with her parents. The main contention of the petitioner is that she is not in a position to maintain herself and her mother also had no financial capacity to maintain herself. Basing on the evidence of P.W.1, the trial Court held that the respondent failed to prove that the petitioner was working as Supervisor in Srikrishna Teja Dental College and earning Rs.10,000/- p.m. It is also the evidence of P.W.1 that the respondent is having a medical shop and earning Rs.20,000/- p.m. The respondent in his evidence admitted that he is getting Rs.8,000/- to Rs.9,000/- p.m. on medical shop business. In view of the evidence on record, the trial Court rightly granted Rs.5,000/- as maintenance, which is just and reasonable. Therefore, the finding of the trial Court in granting maintenance of Rs.5,000/- needs no interference.

11. Accordingly, the Criminal Revision Case is dismissed.

12. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

ANIS,
J

20-03-2015
pab