

**HON'BLE SRI JUSTICE M.S.K.JAISWAL**

**CRL.R.C.No.69 of 2009**

**JUDGMENT:**

This Criminal Revision Case is directed against the order passed in F.C.M.C.No.66 of 2008 dated 30.12.2008 on the file of the Judge, Family Court, Karimnagar.

Respondents 2 and 3, who are none other than the wife and son of the revision petitioner, filed the aforesaid F.C.M.C.No.66 of 2008 seeking monthly maintenance at the rate of Rs.2,500/- each. The revision petitioner contested the said case by filing counter. The trial Court, by order dated 30.12.2008, granted monthly maintenance at the rate of Rs.1200/- to the 2<sup>nd</sup> respondent/wife and Rs.800/- to the 3<sup>rd</sup> respondent/son from the date of filing of the said petition. Questioning the said order, the revision petitioner/husband preferred the present revision.

Learned Counsel for the revision petitioner submitted that the 2<sup>nd</sup> respondent/wife left the company of the revision petitioner on her own accord and as such she is not entitled for maintenance. He further submitted that the 2<sup>nd</sup> respondent is having sufficient means to maintain herself and the minor child as she is doing a private job and getting Rs.10,000/- per month towards salary, besides getting house rents, whereas the revision petitioner is working in a poultry farm and getting a very meager salary which is sufficient for his maintenance. He further submitted that since the 2<sup>nd</sup> respondent/wife bluntly refused to join the conjugal society of the revision petitioner, he filed O.P.No.41 of 2006. He further submitted that the amount of maintenance awarded by the Court below is excessive and exorbitant.

Admittedly, there is no dispute with regard to the relationship of the revision petitioner with respondents 2 and 3 herein. The truth or otherwise of the allegations and counter allegations made by the parties in O.P.No.41 of 2006 cannot be gone into in this petition and it can only be decided during the course of trial. According to the 2<sup>nd</sup> respondent/wife, she is not doing any work and she and her son are living on the mercy of her parents. According to the revision petitioner, the 2<sup>nd</sup> respondent/wife is working as a teacher. However, he has not produced any proof to substantiate his contention. The trial Court, on a consideration of the entire evidence and also keeping in view the earning capacity of the revision petitioner/husband and also steep hike in the prices of commodities, rightly awarded Rs.1200/- per month towards maintenance to the 2<sup>nd</sup> respondent/wife.

So far as the maintenance awarded to the 3<sup>rd</sup> respondent/son is concerned, the trial Court rightly awarded monthly maintenance at the rate of Rs.800/- keeping in view the living conditions and also his educational expenses. In my considered view, the amount awarded to the 2<sup>nd</sup> respondent/wife and the 3<sup>rd</sup> respondent/son is fair and reasonable. I do not find any ground to interfere with the impugned order of the trial Court.

Accordingly, the Criminal Revision Case is dismissed.

Miscellaneous petitions, if any, pending shall stand closed.

---

**M.S.K.JAISWAL, J**

05-10-2015

*Gsn*

