

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

CRL.R.C.No.555 of 2009

JUDGMENT:

This Criminal Revision Case is directed against the order passed in M.C.No.2 of 2008 dated 31.12.2008 on the file of the Judge, Family Court, Kadapa.

Respondent No.1, who is the wife of the revision petitioner, filed the aforesaid M.C.No.2 of 2008 claiming monthly maintenance at the rate of Rs.3,000/- and Rs.25,000/- per annum for other expenses. The revision petitioner contested the said case by filing counter. The trial Court, by order dated 31.12.2008, granted monthly maintenance at the rate of Rs.1500/- to the 1st respondent/wife 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 1st respondent is a divorced woman within the definition of Section 2 (1) of the Muslim Women (Protection of Rights on Divorce) Act, 1986 and as such she is not entitled to claim maintenance.

The marriage between the revision petitioner and the 1st respondent was solemnized on 16.12.1993 and on account of the strained relationship between them; the 1st respondent/wife is residing with her mother. According to the revision petitioner/husband, on 24.04.2004, he has divorced the 1st respondent/wife by pronouncing talaq. The trial Court, on a consideration of the entire evidence, both oral and documentary, and also the law laid down by the Supreme Court, held that the talaq was not properly pronounced by the revision petitioner/husband as per Muslim law and even otherwise a divorced Muslim woman is entitled

for maintenance. So far as the maintenance awarded to the 1st respondent/wife is concerned, the trial Court rightly awarded monthly maintenance at the rate of Rs.1500/- keeping in view the earning capacity of the revision petitioner/husband. In my considered view, the trial Court was justified in awarding the said amount. In these circumstances, I find that the impugned order does not suffer from any illegality or infirmity which calls for interference by this 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