

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

**CRIMINAL PETITION No.456 OF 2011**

**ORDER:**

This Criminal Petition is filed, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C'), seeking to quash the order dated 21.09.2010 in C.R.P. No.23 of 2010 passed by III Additional Sessions Judge, Tirupati, which is filed against the order in Crl.M.P. No.830 of 2008 in M.C. No.2 of 2005 on the file of the Junior Civil Judge, Nagari.

2. The facts necessary for consideration, in brief, are as under: The petitioner is the wife of second respondent. It is said that their marriage was performed in the year 1993 and two years thereafter they started living separately. The wife has filed M.C. No.2 of 2005 on the file of the Court of Judicial Magistrate of First Class, Nagari, claiming maintenance at the rate of Rs.3,000/- per month. The learned Magistrate has awarded Rs.1,000/- per month towards maintenance. Subsequently, the wife has filed Criminal M.P. No.830 of 2008 seeking enhancement of maintenance. The learned Magistrate has allowed the said petition directing the husband to pay the maintenance of Rs.2,000/- per month to the wife. Aggrieved of the same, the husband filed C.R.P. No.23 of 2010 before the Court of III Additional Sessions Judge, Tirupati. The learned Sessions Judge has partly allowed the said revision petition ordering to pay the maintenance of Rs.1,500/- per month instead of Rs.2,000/- per month as awarded by the learned Magistrate. Aggrieved of the said order, the wife filed the present Revision.

3. It is the contention of the learned counsel for petitioner that the grant of maintenance by the learned Magistrate itself is too less and absolutely there are no grounds whatsoever for the learned Sessions Judge to reduce the same from Rs.2,000/- to Rs.1,500/- per month,

therefore, the order needs to be quashed.

4. A perusal of the record shows that even though it is stated that the respondent-husband is working as a teacher in private establishment, absolutely no evidence whatsoever has been produced. Taking into consideration the totality of the facts and circumstances, the learned Sessions Judge reduced maintenance from Rs.2,000/- to Rs.1,500/- per month. On perusal of the record, I see no reason to differ from the view taken by the learned Sessions Judge. However, it is open to the wife, once again, to approach the learned Magistrate for enhancement of maintenance. If she is entitled to, the learned Magistrate shall consider the same.

5. Accordingly, the Criminal Petition is dismissed with the above observations.

Miscellaneous petitions pending, if any, in the Criminal Petition shall stand closed.

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

Date: 02.07.2015  
MVA

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

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