

**HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO**

F.C.A.No.146 of 2005

JUDGMENT : (per Hon'ble Sri Justice R.Subhash Reddy)

This appeal, under Section 19 of the Family Courts Act, 1984 is filed by the appellant-husband aggrieved by the order dated 22.07.2005 in M.C.No.211 of 2004 passed by the learned Additional Metropolitan Sessions Judge for the trial of Jubilee Hills Car Bomb Blast Case cum Additional Family Court, Hyderabad, allowing the petition filed by the respondents-wife and children under Section 125 of Cr.P.C., granting maintenance of Rs.1,200/- per month each from the date of the application i.e., 23.09.2004, with a direction to pay maintenance to respondent Nos.2 and 5 herein till the date of their marriage, and to respondent Nos.3, 4 and 6 herein till they attain majority.

2. When the matter is taken up for hearing, it is submitted by the learned counsel for appellant-husband that the daughters i.e., respondent Nos.2 and 5 herein, are married and that the sons i.e., respondent Nos.3, 4 and 6 herein have attained the age of majority and, as such, the claim of respondent No.1 only remains for

adjudication. It is further submitted that as there is no response from respondent No.1, it is presumed that she must have re-married and hence she is not entitled for maintenance.

3. It is true that there is no appearance on behalf of respondent No.1. Merely because there is no appearance on her behalf, it cannot be presumed that she must have re-married, dis-entitling her for maintenance awarded by the Court below. Except the above, as no other argument is advanced on behalf of the appellant, we are not inclined to interfere with the impugned order passed by the Court below.

4. Accordingly, this appeal is dismissed. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH

REDDY

Dr. JUSTICE B.SIVA SANKARA

RAO
22.01.2015.
Msr

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