

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.299 OF 2015

ORDER:

This Criminal Revision Case is filed against order, dated 13.01.2015, passed in CrI.M.P. No.205 of 2012 in M.C. No.103 of 2009 by the Family Court-cum-XII Additional District Judge, Guntur.

The brief facts of the case are that the petitioner is the husband of the 1st respondent. The 1st respondent filed M.C. No.103 of 2009 before the Family Court, Guntur, against the petitioner. The Court below allowed the M.C. by granting Rs.2,500/-per month towards maintenance to the 1st respondent. The 1st respondent filed CrI.M.P. No.205 of 2012 in M.C.No.103 of 2009 seeking enhancement of maintenance to Rs.10,000/- per month. The Court below allowed the petition in part and enhanced the maintenance at Rs.5,000/- per month. Aggrieved by the same, the present revision case is filed.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the order passed by the Court below is contrary to law and though the 1st respondent failed to prove the exact income of the petitioner, the Court below has passed the impugned order. He further submits that after passing the order in M.C., granting maintenance at Rs.2,500/-p.m., the petitioner approached this Court to reduce that amount, and this Court reduced the maintenance to Rs.1,750/-p.m., thereafter the 1st respondent carried the matter to the Hon'ble Supreme Court and the Hon'ble Supreme Court has passed orders restoring the orders passed in M.C. He further submits that the petitioner did not engage a counsel in the Supreme Court as he is unable to bear the expenses and the Court below without taking into the financial position of the petitioner, enhanced the maintenance at Rs.5,000/- p.m. and hence, he prays for setting aside the order passed by the Court below.

Learned counsel for the 1st respondent submitted that even though the petitioner is having sufficient means to pay the maintenance at Rs.10,000/- p.m., the Court below has enhanced the amount to Rs.5,000/- p.m., and therefore, the order passed by the Court below is not interfered with.

A perusal of the order of the Court below discloses that in Ex.A1, wedding card, it was mentioned that the petitioner was working as an Assistant Professor in a College at the time of marriage. Though the petitioner stated that he lost his job, he did not file any proof to establish the same. The 1st respondent has stated that the petitioner is working as a Software Engineer in Vijayawada and getting a salary of Rs.50,000/- per month and basing on that, she asked to enhance the maintenance at Rs.10,000/- in view of the day by day increase in cost of living. But, the Court below has rightly enhanced the maintenance amount to Rs.5,000/- per month, on the grounds that the 1st respondent has failed to prove the exact income of the petitioner. Hence, this Court is not inclined to interfere with the impugned order, dated 13.01.2015, passed in CrI.M.P. No.205 of 2012 in M.C. No.103 of 2009 by the Family Court cum XII Additional District Judge, Guntur.

Accordingly, the Criminal Revision Case is dismissed. Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

June 15, 2015

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