

**HONOURABLE SRI JUSTICE RAJA ELANGO**

**Criminal Revision Case No.1500 of 2015**

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**ORDER:**

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\_\_\_\_\_ This revision is filed against the order dated 30-06-2015 passed in F.C.O.P. No.378 of 2012 by the Judge, Family Court, SPSR Nellore District, wherein and whereby the learned trial Judge directed the petitioner to pay maintenance at the rate of Rs.4,000/- per month to the Respondent No.2 and at the rate of Rs.2,000/- per month each to Respondent Nos.3 and 4 and further the petitioner is directed to pay Rs.10,000/- per annum each to Respondent Nos.3 and 4 towards their educational expenses.

\_\_\_\_\_ The learned counsel for the petitioner submits that the petitioner had been paying Rs.7,000/- per month towards rent of the house in which Respondent Nos.2 to 4 are residing during the entire period of pendency of the case. It is further submitted that the Court below erred in considering the earnings of the petitioner at Rs.60,000/- per month, whereas the actual income of the petitioner is Rs.20,000/- per month. It is further submitted that maintenance granted by the court below at the rate of Rs.4,000/- per month to Respondent No.2 and Rs.2,000/- per month each to Respondent Nos.3 and 4 is excessive and exorbitant.

\_\_\_\_\_ It is the case of Respondent Nos.2 to 4 that petitioner is

earning around Rs.60,000/- per month and Respondent No.2 is not having any source of income and she is not able to maintain Respondent Nos.3 and 4 and hence prayed to dismiss the Criminal Revision Case.

Considering the said facts and circumstances of the case, this Court is of the view that the Criminal Revision Case can be disposed of with the following directions :

Even though arrears of maintenance runs to Rs.3,60,000/-, taking into consideration the fact that the petitioner had been paying Rs.7,000/- per month towards rent of the house in which Respondent Nos.2 to 4 are residing during the entire period of pendency of the case, the petitioner is directed to pay Rs.1,25,000/- to Respondent Nos.2 to 4 on or before 05-03-2016 towards arrears. Further, the petitioner is directed to pay maintenance at the rate of Rs.4,000/- per month to the Respondent No.2 and at the rate of Rs.2,000/- per month each to Respondent Nos.3 and 4 from the date of the order passed by the trial Court and he is also directed to pay the maintenance on or before 10<sup>th</sup> of every succeeding month. Further, the direction of the trial Court to the petitioner to pay Rs.10,000/- per annum each to Respondent Nos.3 and 4 towards their educational expenses is not altered.

Accordingly, the Criminal Revision Case is disposed of. Consequently, miscellaneous petitions pending, if any, in this revision are closed.

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JUSTICE RAJA ELANGO

Dated: 17.12.2015

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