

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

Criminal Revision Case No.4 of 2013

Order:

This Criminal Revision Case is directed against the orders, dated 23.11.2012, passed in CrIRP No.46 of 2012 by the Principal Sessions Judge, Medak, at Sangareddy, whereby and whereunder the learned Sessions Judge has awarded maintenance of Rs.2,000/- per month to the first respondent herein.

2. The facts, which are not in dispute, are that the marriage between the revision petitioner and the first respondent herein was solemnized in the year 1977 and during their wedlock they blessed with a son, the second respondent herein. Since the revision petitioner started ill-treating the respondents 1 and 2 and driven them out of his house, they filed MC No.14 of 2009 on the file of the learned Judicial Magistrate of First Class, Special Mobile Court, Sangareddy, claiming maintenance. The learned Magistrate dismissed the said maintenance case on the ground that since the first respondent – wife herself left the company of the revision petitioner – husband and living separately, the respondents 1 and 2 are not entitled to claim maintenance. Aggrieved by the same, the respondents 1 and 2 preferred CrI.RP No. 46 of 2012 before the Principal Sessions Judge, Medak, at Sangareddy and the learned Sessions Judge, by the impugned order dated 23.11.2012, held that the first respondent – wife is entitled to claim maintenance and, accordingly, awarded a sum of Rs.2,000/- per month, taking into consideration the fact that the revision petitioner – husband was earning Rs.8,000/- per month, but so far as the claim of the second respondent – son is concerned, the learned Sessions Judge held that he is not entitled to claim maintenance since he became major on that date. Aggrieved by the

award of maintenance to the first respondent, the revision petitioner filed the present revision case.

3. The contention of the learned counsel for the revision petitioner is that since the first respondent herself left the company of the revision petitioner and living separately, she is not entitled to claim maintenance and, therefore, the impugned order passed by the learned Sessions Judge is liable to be set aside.

4. A perusal of the entire material on record clinchingly show that, admittedly, the revision petitioner – husband, having married the first respondent, lived with her for about two years and, thereafter, he did not provide any maintenance to her and, as a matter of fact, he married another woman and he blessed with four children through her. In that view of the matter, we cannot expect the first respondent to join the company of the revision petitioner – husband and stay with him along with his second wife. Therefore, the learned Sessions Judge, on proper appreciation of the entire material on record, held that the first respondent is entitled for maintenance and, accordingly, awarded a sum of Rs.2,000/- per month to her. I do not see any illegality or irregularity in the order passed by the learned Sessions Judge warranting interference of this Court. The revision case is devoid of merit and the same is liable to be dismissed.

5. Accordingly, the Criminal Revision Case is dismissed.

6. As a sequel thereto, the miscellaneous petitions, if any, pending in this Criminal Revision Case shall stand closed.

M.S.K. JAISWAL, J

Date: 14.12.2015

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