

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

CRIMINAL REVISION CASE No.219 of 2013

ORDER:

This Criminal Revision Case is filed against the orders of the learned Judge, Family Court, Srikakulam in F.C.M.C.No.32 of 2011, dated 22.11.2012, by and under which, the learned Judge granted maintenance to the 2nd respondent/daughter @Rs.4,000/- per month from the date of filing of the petition till her marriage.

Heard the learned counsel appearing for the revision petitioner/father, the learned counsel appearing for the 2nd respondent/daughter and the learned Additional Public Prosecutor, representing the State.

The admitted fact is that the revision petitioner is the father of the 2nd respondent/daughter and he married PW 1, mother of the 2nd respondent in 1999 and during their wedlock, the 2nd respondent was born. When the petition was filed, the 2nd respondent is aged about 11 years, now she was aged about 15 years.

The learned counsel for the petitioner submits that the mother of the 2nd respondent is working as Conductor in APSRTC and she is having substantial income and she is capable of maintaining the 2nd respondent/daughter. He further submits that on the other hand, the petitioner is an unemployee and eking out his livelihood on cultivation and he has no source of income and he is not in a position to pay maintenance to the 2nd respondent/daughter, and the Court below without considering the source of income of the petitioner, erroneously granted maintenance @Rs.4,000/- per month to the 2nd respondent/daughter.

Whatever the income the petitioner is having, as a father, he is bound to maintain the 2nd respondent/daughter. Merely on the pretext that the mother of the 2nd respondent is employee, the petitioner cannot deny his liability and responsibility. With regard to quantum of maintenance, the Court below has taken into consideration all aspects and awarded the maintenance to the 2nd respondent/daughter.

However, considering the submissions of the learned counsel for the petitioner and in view of the facts and circumstances of the case, I feel that it would meet the ends of justice if the maintenance granted by the Court below is reduced from Rs.4,000/- to Rs.3,000/- per month.

Accordingly, the Criminal Revision Case is dismissed. The impugned order is modified to the extent of reducing the maintenance granted by the Court below from Rs.4,000/- to Rs.3,000/- per month from the date of petition. Except this modification, the other reliefs granted by the Court below stand maintained.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date:23.11.2015

Dsr