

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.125 OF 2015
AND
CRIMINAL REVISION CASE (SR) No.20119 OF 2015

COMMON ORDER:

These two criminal revision cases are arising out of order, dated 19.07.2014, passed in M.C.No.55 of 2008 on the file of the Family Court-cum-IV Additional District and Sessions Judge, Vijayawada, whereby the Court below directed the husband (petitioner in CrI.R.C.No.125 of 2015) to pay monthly allowance of Rs.12,000/- (Rupees twelve thousand only) to the wife (petitioner in CrI.R.C.(SR) No.20119 of 2015) from the date of order.

The Criminal Revision Case No.125 of 2015 is filed by the petitioner/husband challenging the order impugned on the ground that the amount ordered by the Court below is excessive in nature. The Criminal Revision Case (SR) No.20119 of 2015 is filed by the petitioner/wife challenging the order impugned on the ground that the monthly allowance awarded by the Court below is from the date of order and not from the date of petition.

This Court heard both sides and perused the material available on record.

Learned counsel for the petitioner in CrI.R.C.No.125 of 2015 submits that the Court below erroneously granted an amount of Rs.12,000/- (Rupees twelve thousand only), which is excessive and the petitioner is unable to pay the said amount and as such, prays this Court to reduce the amount of maintenance awarded by the Court below.

Learned counsel for the petitioner in CrI.R.C.(SR) No.20119 of 2015 submits that the Court below directed that the amount of monthly allowance to be paid from the date of order, instead of from the date of petition. Hence, the learned counsel prays this Court to modify the order and grant the allowance from the date of petition filed by the petitioner.

On perusing the entire records and hearing the arguments, the criminal revision petitions are disposed of with the following directions:

(i) The petitioner in Crl.R.C.No.125 of 2015 is directed to pay monthly allowance of Rs.10,000/- (Rupees ten thousand only) to the petitioner in Crl.R.C.(SR) No.20119 of 2015; from the date of the petition, i.e., M.C.No.55 of 2008 before the Court below;

(ii) The petitioner in Crl.R.C.No.125 of 2015 is also directed to pay arrears of maintenance amount calculating at Rs.10,000/- (Rupees ten thousand only) per month in six equal monthly instalments commencing from January, 2016.

(iii) It is made clear that the amounts already paid, if any, are to be adjusted for the purpose of calculating the arrears.

The Criminal Revision Cases are accordingly disposed of. Consequently, the miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

18.12.2015

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