

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.6065 of 2015

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ORDER :

Heard learned counsel for the petitioner and the 1st respondent-State represented by the Public Prosecutor.

2. The factual matrix is that the 2nd respondent herein filed M.C.No.8 of 1991 against the petitioner. The original maintenance as per the Lok Adalat award was Rs.400/- per month to the 2nd respondent herein way back in the year 1976 and also Rs.300/- to her daughter. Subsequently, her daughter was married and maintenance was enhanced to Rs.1,000/-. While so, the 2nd respondent herein filed CrI.M.P.No.1354 of 2010 for enhancement of maintenance from Rs.1,000/- to 5,000/- per month claiming that the petitioner herein is a senior driver in Telecommunication Department and drawing monthly salary of Rs.25,000/-. The Judicial Magistrate of First Class, Tekkali, having considered the same including from the admission of the petitioner herein of his gross salary of Rs.23,000/- per month by observing that there is a GPF loan and deduction, rightly found that the GPF loan availed is subsequent to the filing of enhancement of maintenance amount application and paying for the short duration the instalments more than in heavy, thereby not giving consideration and fixed Rs.3,000/- per month and that the same was confirmed by the learned Sessions

Judge in Crl.R.P.No.38 of 2012 vide order dated 04.02.2015.

3. Perused the entire material on record.

4. Even from the admission of gross salary of Rs.23,000/- what Rs.3,000/- is nearly $\frac{1}{8}$ th of the gross salary, is no way excessive as maintenance is not for mere and bare survival but also the entitlement of wife at par with the standard of life of the husband.

5. Having regard to the above even the petitioner herein got aged parents and GPF loan installments to pay, Rs.3,000/- per month as awarded by the trial Court and that was confirmed by the appellate Court, is no way requires interference by this Court.

6. Accordingly, the criminal petition is dismissed.

7. Miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

10th July 2015.

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