

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

CRL.R.C.No.1019 of 2013

JUDGMENT:

This Criminal Revision Case is directed against the order passed in M.C.No.14 of 2011 dated 22.04.2013 on the file of the III-Additional Judicial Magistrate of First Class, Kakinada.

Respondent No.2, who is the wife of the revision petitioner, filed the aforesaid M.C.No.14 of 2011 claiming monthly maintenance of Rs.10,000/- from the revision petitioner. The revision petitioner contested the said case by filing counter. The trial Court, by order dated 22.04.2013, granted monthly maintenance at the rate of Rs.5000/- to the 2nd respondent/wife from the date of filing of the said petition. Questioning the said order, the revision petitioner/husband preferred the present revision.

Heard the learned Counsel appearing on either side and perused the material available on record.

Admittedly the marital relationship of the revision petitioner with the 2nd respondent herein is not in dispute and that they had no issues out of their wedlock. It is also evident that on account of the strained relationship between them, the 2nd respondent/wife is residing with her parents. It is an admitted fact that the revision petitioner had filed O.P.No.96 of 2011 for divorce, which is said to

be pending. It is also an admitted fact that the revision petitioner is working in Medical Department and is getting salary of Rs.10,000/- per month. The trial Court, on a consideration of the entire evidence, both oral and documentary, rightly granted monthly maintenance at the rate of Rs.5000/- to the 2nd respondent/wife keeping in view the earning capacity of the revision petitioner. In my considered view, the amount awarded to the 2nd respondent/wife is reasonable having regard to the present day cost of living.

In the light of the above, I am of the view that the trial Court has given sufficient and cogent reasons in granting maintenance amount to the 2nd respondent/wife. Therefore, I find that the impugned order does not suffer from any illegality or infirmity which calls for interference by this Court.

Accordingly, the Criminal Revision Case is dismissed. However, the trial Court may not be influenced by any observations made in this revision while disposing of the petitions, if any, pending between the parties.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

26-10-2015
Gsn

