

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

CRIMINAL REVISION CASE No.2165 OF 2013

ORDER:

This Criminal Revision Case, under Sections 397 and 401 Cr.P.C., is directed against the order, dated 22.07.2013, in F.C.O.P.No.75 of 2012 passed by the Judge, Family Court-cum-Additional District and Sessions Court, Vizianagaram.

2. Heard.

3. Respondent No.1 is wife and respondents 2 and 3 are son and daughter of the petitioner. Petitioner has been working as Attender in Senior Civil Judge's Court, Vizianagaram. Respondents filed aforesaid F.C.O.P. under Section 127 Cr.P.C seeking enhancement of maintenance from Rs.4,200/- per month to Rs.7,000/- per month. The learned Judge, Family Court, Vizianagaram after perusing the record, allowed the petition granting maintenance at the rate of Rs.3,000/- per month to respondent No.1 and Rs.1,500/- per month each to respondents 2 and 3. Questioning the said order, the present revision is filed by the petitioner-husband.

4. Learned counsel for the petitioner contended that absolutely no material was produced before the Court below for enhancement of maintenance from Rs.4,200/- to Rs.6,000/- and hence, he prays to reduce the maintenance.

5. On the other hand, learned counsel for respondents 1 to 3 contended that originally P.L.C was filed in the year 2011 and at that time respondents 2 and 3 were aged about 4 years and 2 years and now they are going to school; that the petitioner is working as Attender in Judicial Department; that the mother of the petitioner is a pensioner and getting an amount of Rs.3,000/- per month and hence, he prays to dismiss the petition.

6. Grant of maintenance should be just and reasonable. The circumstances that have to be taken into consideration for determination of maintenance are cost of living, requirement of the wife and children and the income of the husband. The wife and children are entitled to the same standard of living as they would have had they been with the husband. Taking into consideration the facts and circumstances of the case, the Court below enhanced the maintenance from Rs.4,200/- per month to Rs.6,000/- per month, which cannot be said to be excessive or exorbitant. It can be taken judicial note of that for a government servant there will be a Pay Revision Commission and Dearness Allowance will be increased for every six months. Therefore, the Court below did not commit any error in enhancing the maintenance from Rs.4,200/- per month granted in the year 2011 to Rs.6,000/- per month. Therefore, there are no merits in the revision and it is liable to be dismissed.

7. Accordingly, the Criminal Revision Case is dismissed. Miscellaneous petitions, if any, pending in this revision shall stand closed.

M.S.K. JAISWAL, J

OCTOBER 05, 2015

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

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Date:05.10.2015

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