

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

TUESDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FIFTEEN

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

CRIMINAL REVISION CASE No.2186 of 2013

Between:

Tammineni Harikrishna

..... PETITIONER

AND

Tammineni Jhansilaxmi and 2 others

.....RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: **28.07.2015**

SUBMITTED FOR APPROVAL:

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

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| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 2. | Whether Their Ladyship/Lordship wishes to see the fair copy of the Judgment? | Yes/No |

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

CRIMINAL REVISION CASE No.2186 of 2013

ORDER:

This Criminal Revision Case is filed against the judgment dated 02.07.2013 in CrI.A.No.9/2012 on the file of the Special Judge for trial of cases under SCs & STs (POA) Act, 1989-cum-Additional District and Sessions Judge, Srikakulam.

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor, representing the State.

The petitioner is the husband, 1st respondent is the wife and 2nd respondent is the minor daughter. The wife and minor daughter filed DVC No.1/2011 on the file of the Judicial Magistrate of First Class, Amadalavalasa claiming monthly maintenance @Rs.3,000/- to the wife and @Rs.2,000/- to the minor daughter, and accommodation or alternatively claiming compensation towards rent, and also claiming compensation of Rs.20 lakh. The learned Magistrate, by order dated 15.12.2011 awarded a sum of Rs.2,500/- per month to the wife and Rs.2,000/- per month to the minor daughter towards monthly maintenance and in addition, directed the husband to provide accommodation to the wife and minor daughter or alternatively shall pay Rs.1,000/- per month towards rent. Against the said order, the husband filed Criminal Appeal No.9/2012 before the Special Judge for trial of cases under SCs & STs (POA) Act, 1989-cum-Additional District and Sessions Judge, Srikakulam. By judgment dated 02.07.2013, the learned Sessions Judge has partly allowed the appeal, while confirming the order of the trial Court in so far as awarding of maintenance to the wife and minor daughter @Rs.2,500/- and @Rs.2,000/- respectively, and setting aside the award of a sum @Rs.1,000/- per month towards accommodation for the wife and minor daughter. Aggrieved by the same, the petitioner/husband filed the present revision case.

The contention of the learned counsel for the petitioner/husband is that the 1st respondent/wife is also an earning member and she is working as a Teacher and therefore, awarding of maintenance to the wife is not proper.

The 2nd respondent is a minor daughter who was aged about 4 years by the date of filing of DVC, which was filed in the year 2011. It appears that no satisfactory proof was filed before the Court below to establish the income of the 1st respondent/wife and therefore, the Court below awarded monthly maintenance to the wife and minor daughter, as stated supra. Considering the present cost of living, it cannot be said that the monthly maintenance awarded by the trial Court to the wife and minor daughter is excessive and exorbitant. There are no merits in the present revision case.

The Criminal Revision Case is accordingly dismissed.

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

M.S.K.JAISWAL,J

Date: 28.07.2015

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