

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

CRIMINAL REVISION CASE No.1508 of 2013

Between:

Feroz Ali

..... REVISION PETITIONER

AND

The State of Andhra Pradesh represented by
Public Prosecutor, High Court, Hyderabad, and
Another.

.....RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: **28.07.2015**

SUBMITTED FOR APPROVAL:

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

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

CRL.R.C.No.1508 of 2013

JUDGMENT:

This Criminal Revision Case is directed against the order passed in CrI.M.P.No.180 of 2012 in M.C.No.110 of 2008 dated 05.06.2013 on the file of the Additional Metropolitan Sessions Judge for the Trial of JHCBBC-cum-Additional Family Court-cum-XXIII Additional Chief Judge, Hyderabad.

Revision petitioner is the husband of the 2nd respondent herein, who filed the aforesaid M.C.No.110 of 2008 claiming maintenance from the revision petitioner. The revision petitioner contested the said case by filing counter. The trial Court, after an analysis of the entire evidence available on record, granted monthly maintenance at the rate of Rs.4,000/- to the 2nd respondent herein from the date of petition. Subsequently, the revision petitioner filed the aforesaid CrI.M.P.No.180 of 2012 for cancellation of maintenance. The 2nd respondent-wife also filed a petition for enhancement of maintenance. The trial Court, by order dated 05.06.2013, dismissed both the petitions.

The case of the revision petitioner-husband is that earlier he was working as a Welder and on 29.11.2011 he suffered chest pain and was admitted at Kamineni hospital and underwent

Coronary Angioplasty with stent to LAD and that he was advised by the doctors not to take up hard work and allowed to do only light work. His further case is that he spent an amount of Rs.2,00,000/- for his medical expenses by raising loans from the persons known to him. His further case is that because of his ill-health, he is not able to work as a Welder and as such he is not in a position to provide maintenance at the rate of Rs.4,000/- to the 2nd respondent-wife, as directed by the trial Court, and therefore, he seeks cancellation of maintenance granted by the trial Court.

Admittedly, the revision petitioner-husband was married earlier and he got three children to his first wife. The 2nd respondent-wife is his second wife and they had no issues. When once the revision petitioner-husband is prepared to take up the responsibility of his first wife and three children, it is his equal liability and responsibility to take care of his second wife i.e., 2nd respondent herein, who is also shown to be not keeping good health. The present health condition of the revision petitioner cannot be taken as a ground for cancellation of maintenance amount awarded to his wife. The maintenance amount awarded by the trial Court is just and reasonable. It is not a bounty. I do not find any ground to interfere with the impugned order of the trial Court.

Accordingly, the Criminal Revision Case is dismissed.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

28-07-2015

Gsn

