

HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1485 of 2015

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ORDER:

The present revision is preferred against the order dated 04.02.2015 passed by the Additional Metropolitan Sessions Judge for the Trial of JHCBBC – cum – Additional Family Court – cum – XXIII Additional Chief Judge, Hyderabad, in CrI.M.P.No.539 of 2014 in M.C.No.363 of 2011.

Respondent No.2 herein is the wife and respondent Nos.3 and 4 herein are the son and daughter of the petitioner herein. Respondent Nos.2 to 4 herein filed M.C.No.363 of 2011 under Section 125 Cr.P.C seeking maintenance of Rs.10,000/- per month each. The Court below, by order dated 08.05.2013, awarded an amount of Rs.5,000/- each to respondent Nos.2 to 4 towards maintenance. The petitioner herein filed CrI.M.P.No.539 of 2014 to cancel the maintenance granted in favour of respondent Nos.3 and 4 herein on the ground that respondent No.4, who is studying MS in USA and working as part time employee, is major and that respondent No.3, who is studying B. Tech 2nd year, was aged 19 years and he also attained majority. The Court below, by the impugned order dated 04.02.2015, dismissed the petition on the ground that respondent Nos.3 and 4 are also entitled for maintenance since they are prosecuting their studies. Hence, this revision.

This Court perused the record and heard the arguments.

This Court is of the view that under Section 125 Cr.P.C, the wife as well as the daughter and son are entitled for maintenance. But, at the same time, if the son became major, he is not entitled for maintenance. Hence, the order passed by the trial Court dismissing the petition insofar as respondent No.3-son is concerned, is set aside. The petitioner need not pay any maintenance to respondent No.3. Insofar as respondent No.4 – daughter is concerned, even though she became major, she is entitled for maintenance till her marriage. Hence, the impugned order passed by the Court below insofar as respondent No.4 is in accordance with law and the same needs no interference.

Subject to the above modification, the Criminal Revision Case is disposed of.

Pending Miscellaneous Petitions shall stand closed.

Justice Raja Elango

Date: 21.09.2015

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