

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

WEDNESDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FIFTEEN

PRESENT

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

CRIMINAL REVISION CASE No.1409 of 2013

Between:

Gudla Venkata Ramana

..... PETITIONER

AND

The State of A.P. rep.by its Public Prosecutor,

High Court, Hyderabad and another

.....RESPONDENT

The Court made the following:

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

CRIMINAL REVISION CASE No.1409 of 2013

ORDER:

This Criminal Revision Case is filed questioning the orders of the learned

Judge, Additional Family Court, Visakhapatnam, dated 08.01.2013 in O.P.No.203 of 2010, by and under which the learned Judge has granted monthly maintenance payable to the wife @Rs.5,000/-

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

The petitioner is the husband of the 2nd respondent. O.P.No.203 of 2010 was filed by the wife alleging that they were married on 02.02.1989. They blessed with a son and daughter. For four years, after the marriage, both the husband and wife lived happily and thereafter the husband used to beat the wife. He also used to suspect the character of the wife if she talks with any person. He was addicted to bad vices. On 06.07.2007 the husband beat the wife indiscriminately. When the children tried to stop the husband, he beat the children also. On 07.07.2007, the wife filed a complaint in Cr.No.562 of 2007 with Kancharapalem Police. Since the date of complaint, the husband stopped coming to the matrimonial home and never cared wife and children. Due to the neglect and refusal by the husband, she has no means to eke out their livelihood. The husband is getting income of Rs.40,000/- by his employment. Being husband, he is having an obligation to maintain the wife and children. Therefore, she filed the case for monthly maintenance at Rs.15,000/-.

On the other hand, the husband filed his counter denying all the material allegations. He also alleged that he used to give all his earnings to the petitioner after spending for basic amenities to his family. It is also alleged that the wife was actively supported by one Harihara Rao with whom the wife developed close acquaintance, who is neither family friend nor relative. The wife and Harihara Rao hatched a plan and started bad propaganda against him and gave complaint in his office. The wife also threatened to kill him by way of road accident and show the same as accidental death. Due to her threatening, he is not in a position to concentrate on his job and is not regularly attending to his office. He is living outside with constant fear of life. At present he has no shelter to live as the wife is not allowing him to enter into the house i.e., quarter allotted by the naval authorities. The wife got sufficient means to maintain herself.

There is no dispute in so far as the factual aspects are concerned, viz., that when the husband filed divorce O.P.No.711/2007 for dissolution of marriage, the wife filed maintenance O.P.No.203/2010. Vide common order dated 08.01.2013, the

learned Court below dismissed the divorce OP filed by the husband and allowed the maintenance OP filed by the wife, granting monthly maintenance @Rs.5,000/- to the wife. It is also not in dispute that the husband who was working as LDC at the time of filing of OP, has been promoted and at present he is working as Senior Clerk and he is earning Rs.50,000/- per month. The two children of petitioner have grown up, daughter has already been married and son has been working in Orissa. The 2nd respondent/wife left alone and she is depending upon the maintenance granted by the Court.

The learned counsel for the petitioner/husband submits that since the 2nd respondent/wife has grown children and getting earnings through son, she is not entitled for maintenance. He further contends that the maintenance granted is excessive and exorbitant. He further contends that the wife is still staying in the quarter which has been allotted to the petitioner/husband by the Naval Department and hence the wife is in well to do position and she is not entitled for any maintenance.

The Court below has taken into consideration all these aspects, and upon considering the oral and documentary evidence adduced on either side, awarded maintenance to the wife @Rs.5,000/-per month.

Considering the present cost of living, it cannot be said that the monthly maintenance awarded by the trial Court to the wife is excessive and exorbitant. I find no infirmity legal or otherwise to interfere with the order of the Court below. 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: 14.10.2015

Dsr