

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.1875 of 2016

ORDER:

The present revision is filed under Sections 397 and 401 Cr.P.C. aggrieved by the order dated 13.04.2016 passed in M.C.No.109 of 2012 on the file of the Family Court, L.B.Nagar, Ranga Reddy District, wherein the learned Judge granted maintenance of Rs.3,000/- per month.

2. The facts in issue are as under:

The marriage of the second respondent herein with the petitioner herein was performed on 01.11.2009 as per Muslim religion customs and out of the wedlock they were blessed with a male child. Both of them lived happily for few months. Subsequently, the husband and mother-in-law of the second respondent started harassing her both physically and mentally and ultimately she was necked out from their house. Since then she has been living with her parents. Subsequently, the second respondent herein filed M.C.No.109 of 2012 before the Family Court at L.B.Nagar, Ranga Reddy District which was allowed in part awarding monthly maintenance of Rs.3,000/- per month in addition to maintenance awarded in DVC No.12 of 2012, which was also filed by the wife. Challenging the order in M.C., the present revision came to be filed by the husband of the second respondent herein.

3. It is to be noted that in the said maintenance case, a counter was filed by the husband denying the allegations made in the maintenance case and sought for dismissal of the M.C. During the

course of trial, the wife, who is the second respondent herein, examined herself and her mother as PWs.1 and 2 and got marked Exs.P1, P2, P3 and P6. No oral or documentary evidence was produced on behalf of the husband-petitioner herein. As seen from the evidence on record, while examining PW1, she admitted that she is working as a teacher in Sadan school, Nellore and getting Rs.4,770/- per month. She also admitted that she filed DVC No.12 of 2012 before the Court of III Metropolitan Magistrate, L.B.Nagar, and an amount of Rs.5,000/- was awarded towards the maintenance. The said version of PW1 is corroborated by the evidence of PW2. The evidence of PW2 would also show that she got marked the salary certificate of the petitioner herein as Ex.P3, which discloses that he is getting a net salary of Rs.14,696/- after deductions. The evidence of PW2 which is placed on record would show that the second respondent herein was terminated from the post of part time teacher by the school management. In view of the same, it is clear that the second respondent herein is now not an employee and without any source of income.

4. Admittedly, an amount of Rs.5,000/- was awarded by the trial Court in DVC No.12 of 2012. Though the learned counsel for the petitioner herein would contend that the quantum of maintenance awarded is on a higher side, but in view of the pay revision, the petitioner herein would be getting more amount than what he used to receive at the time of passing of order by the Court below. Further, as seen from the record, the tuition fee of the third respondent herein, who is a minor child, is Rs.4,000/-.

5. Having regard to the circumstances of the case and condition in which the second and third respondents are living, this Court is of the view that the finding of the Court below warrants no interference and the amount of Rs.3,000/- per month, which has been awarded by the Court below in addition to the amount already awarded by the III Metropolitan Magistrate in DVC No.12 of 2012 cannot be said to be on higher side and the same is confirmed.

6. Accordingly, the Criminal Revision Case is dismissed. Miscellaneous petitions, if any, shall stand closed.

20.09.2016
vnb



JUSTICE C. PRAVEEN KUMAR