

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

CRIMINAL PETITION No.14226 of 2014

ORDER

The criminal petition is filed under Section 482 Cr.P.C against the order dated 31.07.2014 in Criminal Revision Petition No.03 of 2014 on the file of the Judge, Family Court-cum-IV Additional District & Sessions Judge, Adilabad, by and under which, the Court below confirmed the order of the trial court in awarding maintenance to the 2nd respondent @Rs.1,200/- per month.

2. The 2nd respondent herein is the divorced wife of the petitioner herein. The marriage of the petitioner with 2nd respondent was performed in the year 1984. During their wedlock they were blessed with a daughter. Thereafter, disputes arose between them. The petitioner used suspect her fidelity and used to come to the house everyday in drunken condition and beat her. In the year 1989 the petitioner necked out her from the matrimonial home and as she has no other alternative, she went to her parent's house along with her daughter. Thereafter, she filed M.C. No.04 of 1994 before the Judicial Magistrate of First Class, Luxettipet, Adilabad District and the same was compromised between the parties and petitioner paid an amount of Rs.30,000/- to 2nd respondent and Rs.20,000/- to her daughter towards their future maintenance. Thereafter, the petitioner filed divorce petition and obtained divorce.

3. In the year 2007 the 2nd respondent and her daughter filed D.V.C.No.58 of 2007 on the file of the Principal Judicial First Class Magistrate, Mancherial and the same was partly allowed in favour of daughter and dismissed against the 2nd respondent. Subsequently, the 2nd respondent filed M.C No.04 of 2012 against the petitioner seeking maintenance. The learned Judge after considering the

material on record, granted maintenance of Rs.1,200/- per month to the 2nd respondent, vide orders dated 27.12.2013. Aggrieved by the same, the petitioner filed CrI.R.P.No.03 of 2014 before the Judge, Family Court-cum-IV Additional District and Sessions Judge, Adilabad, however, the same was dismissed, vide orders dated 31.07.2014. Questioning the said dismissal order, the present Criminal Petition is filed.

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

5. The main contention of the petitioner is that the 2nd respondent is a divorced wife and hence she cannot be entitled to seek maintenance from him, and further, the award of maintenance granted by the trial Court is excessive.

6. I have perused the entire material available on record. I see no reason to interfere with the findings of the Courts below. The maintenance awarded by the trial Court @Rs.1,200/- per month is very meagre considering the present day cost of living. There are no merits in the present petition and the same is liable to be dismissed.

7. Learned counsel for the petitioner submits that in view of changed circumstances, respondent No.2 filed CrI.M.P.No.425 of 2016 in M.C.No.04 of 2012 before the trial Court seeking enhancement of maintenance.

8. In view of the above, the petitioner is at liberty to raise all his contentions in that petition before the trial Court.

9. In the circumstances, the Criminal Petition is disposed of. It is made clear that the trial Court shall dispose of the CrI.MP.No.425/2016 filed by the 2nd respondent in M.C.No.04/2012, in accordance with law, without being influenced by any of the observations made in this

order.

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

M.S.K.JAISWAL, J

Date:11.07.2016
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