

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.2324 of 2014

ORDER:

This Criminal Revision Case is filed by the petitioner invoking the provisions under Sections 397 & 401 Cr.P.C., challenging order, dated 20.08.2014, passed in M.C. No.13 of 2011, by the Family Court – cum - V-Additional District & Sessions Judge, Tirupathi, wherein the learned Judge awarded an amount of Rs.4,000/- per month each to the respondents 1 and 2 and Rs.2,000/- per month to the 3rd respondent as maintenance and directed the petitioner herein – father of the respondents 1 to 3 as well as their mother to bear the above maintenance amount equally.

The brief facts of the case are that the petitioner is the father of the respondents 1 to 3. They filed MC No.13 of 2011 against the petitioner seeking monthly maintenance of Rs.4,000/- each to the respondents 1 and 2 and Rs.2,000/- to the 3rd respondent, through their mother Smt. T. Radhika. The learned trial Judge, after elaborate discussion of the evidence on record, partly allowed the above MC, awarding an amount of Rs.4,000/- per month each to the respondents 1 and 2 and Rs.2,000/- per month to the 3rd respondent as maintenance and directed the petitioner as well his wife i.e. mother of the respondents 1 to 3 to bear the maintenance amount equally. Challenging the award of payment of maintenance against him, the petitioner – father filed the present revision.

Heard and perused the material available on record.

It is not in dispute that the petitioner and Smt. T. Radhika

are the husband and wife, and the respondents 1 to 3 are their minor children. The only contention raised by the learned counsel for the petitioner is that the petitioner is not in a position to pay the amount of maintenance of Rs.5,000/- per month to the respondents 1 to 3 as awarded by the trial Court towards his share, and that he is getting a net salary of Rs.19,600/- only.

Considering the facts and circumstances of the case and after perusing the material on record, this Court is of the view that the order passed by the trial Court directing the petitioner to pay Rs.2,000/- each to the respondents 1 and 2 and Rs.1,000/- to the 3rd respondent, towards his share of maintenance to the respondents 1 to 3, is in accordance with law and this Court is not inclined to interfere with the same.

Accordingly, the Criminal Revision Case is dismissed. Miscellaneous applications, pending if any, shall stand closed.

RAJA ELANGO, J

August 30, 2016.
KTL