

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

CRL.P.No.10621 of 2010

ORDER:

This Criminal Petition is filed by the Petitioner-husband to quash the order dated 02.09.2010 passed in Crl.R.P.No.37 of 2010 on the file of the Judge, Family Court-cum-Additional District and Sessions Judge, Mahabubnagar, confirming the order dated 26.03.2010 passed in Crl.M.P.No.719 of 2009 in Crl.M.P.No.2859 of 2003 in M.C.No.1 of 1996 on the file of the Judicial Magistrate of First Class, Jadcherla.

The 1st respondent-wife and her children filed the aforesaid M.C.No.1 of 1996 against the petitioner-husband seeking maintenance at the rate of Rs.500/- per month to the 1st respondent-wife and Rs.400/- each to her two children. The trial Court, after an analysis of the entire evidence available on record, partly allowed the said M.C. directing the petitioner-husband to pay monthly maintenance of Rs.460/- to the 1st respondent-wife. Dissatisfied with the said monthly maintenance, the 1st respondent-wife preferred Crl.M.P.No.2859 of 2003 seeking enhancement of maintenance amount and the trial Court by order 08.06.2004 enhanced the maintenance amount from Rs.460/- to Rs.1200/- per month. Thereafter, the 1st respondent-wife again filed

Crl.M.P.No.719 of 2009 seeking enhancement of maintenance amount and the trial Court, by order dated 26.03.2010, enhanced the maintenance amount to Rs.3,000/- from the date of petition. Aggrieved by the said order, the petitioner-husband preferred Crl.R.P.No.37 of 2010 and the learned Judge, Family Court, Mahabubnagar, by order dated 02.09.2010, after re-assessing the entire evidence, dismissed the said revision. Aggrieved by the same, the present criminal petition is filed by the petitioner-husband.

Learned Counsel for the petitioner-husband submitted that the petitioner is retired from service on 30.04.2010 and is suffering from old age ailments and is depending upon his meager pension only and that the maintenance awarded by the Courts below is exorbitant.

Learned Counsel for the 1st respondent-wife submitted that the maintenance amount of Rs.3,000/- awarded by the Courts below itself is inadequate in view of the day to day cost of living.

Having considered the submissions made by the learned Counsel appearing on either side and having perused the impugned orders of the Courts below, this Court is of the view that there is no dispute with regard to the relationship between the petitioner and the 1st respondent. In fact, the trial Court as well as the revisional Court have considered the entire evidence available on record; the financial capacity of the petitioner-husband,

who retired from service as Assistant Director, District Industries, Mahabubnagar, and also the cost of living on those days in coming to the conclusion that the petitioner-husband has got sufficient means to pay the maintenance at the rate of Rs.3,000/- per month to the 1st respondent-wife. It is evident from the record that the petitioner-husband is getting an amount of Rs.11,000/- per month towards pension. That apart, the petitioner-husband is under legal and moral obligation to pay maintenance amount to the 1st respondent-wife. Therefore, I do not find any ground to interfere with the impugned orders of the Courts below.

Accordingly, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

05-02-2016
Gsn