

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

CRIMINAL PETITION No.8725 of 2016

ORDER

This Criminal Petition is filed by the petitioner questioning the correctness of the order passed in CrI.R.C.No.66 of 2015 dated 20.01.2016, whereunder the learned II Additional District and Sessions Judge, Madanapalle confirmed the order of the learned II Additional Judicial Magistrate of First Class, Madanapalle passed in M.C.No.45 of 2009 dated 10.06.2015, granting maintenance of Rs.2,000/- p.m. to respondent No.2 and Rs.1,500/- p.m. each to respondent Nos.3 and 4.

The contention of the petitioner – husband is that the second respondent – wife is not at all entitled to claim maintenance inasmuch as it is she who has deserted her husband and, therefore, both the Courts below erred in awarding maintenance to the second respondent. The contention of the petitioner has been specifically dealt with by both the Courts below and held that the second respondent – wife is entitled for maintenance. That question cannot be agitated again.

Coming to the quantum of maintenance, learned Magistrate awarded Rs.2,000/- p.m. to the second respondent – wife and Rs.1,500/- p.m. each to respondent Nos.3 and 4. The Court below awarding maintenance, as aforesaid, to respondent Nos.2 to 4 by no stretch of imagination can be said to be excessive or exorbitant.

The Criminal Petition is, therefore, liable to be dismissed and is, accordingly, dismissed.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

Date:22.06.2016
usd

M.S.K.JAISWAL,J