

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**Crl.R.C.No.1025 of 2015**

**JUDGMENT**

This revision is directed against the order dated 15.12.2013 passed in M.C.No.22 of 2013 by the learned Judge, Family Court-cum- Additional District Judge, Anantapuram.

2. The facts, in brief, are that the marriage between the petitioner and the first respondent was performed on 25.02.2012 at Thirumala as per their customs and out of their wedlock, the second respondent was born. Thereafter, the petitioner and his parents subjected her to cruelty by demanding additional dowry. The first respondent also filed a complaint against them and the same was registered as Cr.No.53 of 2013 of Mahila Police Station, Anantapuram for the offences u/s.498-A, 506 read with Section 34 IPC. Since the first respondent was unable to maintain herself and her minor child, they filed the aforesaid maintenance case claiming maintenance @ Rs.10,000/- and Rs.5,000/- per month respectively, from the petitioner. The trial Court after considering the evidence and the documents on record, awarded maintenance at the rate of Rs.10,000/- and Rs.5,000/-per month to the first and second respondents respectively, from the date of filing of the petition i.e., 05.08.2013 and directed the petitioner to pay the costs of the petition. Aggrieved by the same, the petitioner-husband filed the present revision.

3. Heard and perused the material on record.

4. Learned counsel for the petitioner/husband submitted that as the maintenance awarded by the trial Court is on higher side, the petitioner being a small Technician could not able to pay the same due to his financial crisis. Thus, he prays to reduce the said maintenance awarded by the trial Court.

5. Admittedly, the petitioner is working as Technician in Visakhapatnam Steel Plant and drawing salary of Rs.35,000/-per month. The trial Court after considering the monthly income of the petitioner and having regard to the present day cost of living awarded the said maintenance to the first and second respondents. However, in view of the stand taken by the petitioner that he is suffering from financial crisis, the impugned order passed by the trial Court is hereby modified as under;

The petitioner is directed to pay a sum of Rs.4,000/-per month each to the first and second respondents from the month of March, 2016 and continue to pay the same on or before 10<sup>th</sup> of every succeeding month. The arrears, if any, have to be calculated at the same rate and payable by the petitioner in three equal monthly instalments from the month of March, 2016. The payments, if any made, have to be adjusted accordingly.

6. With the above modification, the Criminal Revision Case is disposed of. Miscellaneous petitions, if any, pending in this revision shall stand closed.

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**JUSTICE RAJA ELANGO**

9<sup>th</sup> February, 2016

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