

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.328 of 2014

ORDER

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The present criminal revision case is directed against the order dated 19.07.2013 passed in O.P.No.1410 of 2010 on the file of the Judge, Family Court-cum-V Additional District and Sessions Judge, Visakhapatnam.

2. The petitioner/husband and the first respondent/wife filed O.P. Nos.1076 of 2009 and 1410 of 2010 for grant of a decree of divorce and for maintenance respectively. During the course of trial, P.Ws.1 to 3 were examined and Exs.A1 to A6 were marked on behalf of the petitioner/husband and R.Ws.1 to 4 were examined and Exs.B1 to B5 were marked on behalf of the respondent/wife. After considering the evidence and the material on record, the trial Court dismissed the divorce OP and partly allowed the maintenance OP directing the petitioner to pay maintenance at the rate of Rs.5,000/-per month to the first respondent/wife from the date of the petition. Challenging the order of maintenance, the petitioner/husband filed the present revision.

3. Heard both sides and perused the material on record.

4. On 20.02.2014, this Court while admitting the revision, granted interim suspension on condition of the petitioner paying half of the maintenance amount awarded by the trial Court on or before 15th of every month commencing from 15.03.2014 and also on condition of the petitioner paying arrears, if any, calculated at

the same rate within six weeks.

5. Learned counsel for the petitioner submits that the trial Court ought to have seen that the first respondent filed the petition for maintenance after the divorce OP filed by the petitioner. He further submits that since the petitioner is a small employee, the maintenance granted by the trial Court may be reduced.

6. The relationship between the parties is not in dispute and now the parties are living separately. The trial Court, after considering the evidence and the material documents, granted the said maintenance to the first respondent. However, considering the facts and circumstances of the case and the monthly earnings of the petitioner, this Court is of the view that the maintenance granted by the trial Court at the rate of Rs.5,000/-per month is reduced to Rs.4,500/- per month. Accordingly, the Criminal Revision Case is disposed of with the following direction;

The petitioner/husband is directed to pay monthly maintenance at the rate of Rs.4,500/-per month to the first respondent/wife on or before 10th of every succeeding month. The petitioner is further directed to pay the arrears, if any, to the first respondent calculating at the rate fixed by this Court in three equal monthly installments commencing from the month of March, 2016. The payments, if any made, have to be adjusted accordingly.

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

JUSTICE RAJA ELANGO

20th January, 2016
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