

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRL.R.C.No.998 of 2015 and CRL.R.C.(SR) No.8590 of 2016

COMMON ORDER :

Crl.R.C.No.998 of 2015 is filed by the husband challenging the order dated 18.03.2015 passed in M.C.No.226 of 2010 on the file of the Family Court-cum-IV Additional District and Sessions Judge, Vijayawada, wherein the trial Court awarded maintenance of Rs.8,000/- per month to the wife, where as Crl.R.C.(SR) No.8590 of 2016 is filed by the wife seeking enhancement of the maintenance awarded by the said Court.

For the sake of convenience, the parties herein were referred as arrayed in M.C.

The petitioner/wife filed an application under Section 125 Cr.P.C. claiming monthly maintenance at Rs.10,000/-. The averments in the petition would disclose that the marriage of the petitioner with the respondent took place on 06.05.2009. At the time of marriage, the parents of the petitioner gave cash of Rs.2.00 lakhs and three sovereigns of gold to the petitioner apart from Rs.50,000/- towards adapaduchu lanchanam. Both of them lived happily for some time, thereafter the respondent used to harass the petitioner demanding additional dowry. Though the parents of the petitioner paid Rs.25,000/- as additional dowry, the respondent and his family members again demanded for additional dowry of Rs.3,00,000/-. When the petitioner expressed her inability, the respondent and his family members are alleged to have necked out the petitioner

from the house. It is said that the respondent is having fixed assets of Rs.25.00 lakhs and has been getting rents on the said property. He is M.B.A. Graduate and earning Rs.30,000/- per month. As the petitioner was not having any means of income filed the maintenance case.

The respondent filed counter admitting his relationship with the petitioner but however denies payment of dowry and receipt of gold. It is said that the petitioner did not evince interest to lead conjugal life with the respondent and as such did not join the respondent despite repeated requests made by him. Hence, the respondent filed O.P.No.60 of 2010 for dissolution of marriage and the same was decreed. The petitioner filed a petition for setting aside the decree which was allowed. The respondent obtained stay against the said orders by preferring a revision. The respondent is not having any movable or immovable properties and that he has lost his job. It is said that the petitioner is M.B.A. Graduate having vast properties, as such she is not entitled for any maintenance.

During the course of trial, the petitioner examined herself as PW.1 and her father as PW.2. She also got marked Exs.P1 to P4 in support of her plea. The respondent examined himself as RW.1 and got marked Exs.R1 to R13.

After considering the rival submissions, the trial Court awarded maintenance at Rs.8,000/- per month. Challenging the same the husband filed Crl.R.C.No.998 of 2015 and the wife filed another revision with delay petition seeking enhancement vide Crl.R.C.(SR) No.8590 of 2016. Being satisfied with the reasons given the delay is condoned.

The only point that arises for consideration is the quantum of maintenance to be awarded.

As seen from the record, the respondent admitted in his cross examination that he is having two bed room house at Nalgonda. He also admitted that his father was getting pension as he is a retired U.D.C. He also admits that he is working in Honey Well and was getting a sum of Rs.17,000/- per month. Though the petitioner claims that the respondent was getting a sum of Rs.30,000/- per month, the husband/respondent admits that he was earning Rs.17,000/- per month. Since the respondent failed to prove the income of the petitioner by adducing cogent and convincing evidence and in view of the admission of the respondent with regard to his earnings, it cannot be said that the quantum of maintenance awarded by the trial Court is un-reasonable, warranting interference.

Accordingly, both the Criminal Revision Cases are dismissed at the admission stage. Miscellaneous petitions, if any, pending shall stand closed.

C.PRAVEEN KUMAR,J

29.04.2016

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