

HONOURABLE SRI JUSTICE M.S.K.JAISWAL

Criminal Petition No.15283 of 2014

-

-

ORDER:

-

This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioner seeking to quash the order, dated 30-09-2014 passed in CrI.R.P.No.29 of 2013 by the Special Sessions Judge-cum-IV Additional District & Sessions Judge, Guntur and consequently, the order dated 24-01-2013 passed in CrI.M.P.No.2822 of 2009 in M.C.No.3 of 2003 on the file of the Additional Junior Civil Judge, Mangalagiri, Guntur District.

The learned Sessions Judge by order dated 30-09-2014 dismissed the CrI.R.P.No.29 of 2013 filed by the petitioner herein against the order, dated 24-01-2013 in CrI.M.P.No.282 of 2009 in M.C.No.3 of 2003, wherein the learned Additional Junior Civil Judge partly allowed the CrI.M.P. filed by the Respondent Nos.1 and 2 herein and the petitioner herein was directed to pay Rs.3,500/- per month to the Respondent No.1 herein instead of Rs.1,500/- per month and Rs.3,500/- per month to the Respondent No.2 herein instead of Rs.1,000/- per month.

The admitted facts are that as long back as in the year 2003, maintenance of Rs.1,500/- per month was awarded to the wife - Respondent No.1 herein and maintenance of Rs.1,000/- per month was awarded to the daughter – Respondent No.2

herein. After gap of ten years i.e., in 2013 maintenance of Rs.1,500/- per month awarded to the wife - Respondent No.1 herein was enhanced to Rs. 3,500/- per month and maintenance of Rs.1,000/- per month awarded to the daughter – Respondent No.2 herein was enhanced to Rs.3,500/- per month.

The learned counsel for the petitioner herein submits that both Respondent Nos.1 and 2 are gainfully employed and he is retired from service and drawing a pension of Rs.12,000/- per month only, therefore, he is not in a position to pay Rs.7,000/- per month to both Respondent Nos.1 and 2.

Considering the above facts and circumstances of the case and taking into consideration totality of the aspects submitted, the order of the Court below is modified to the effect that the petitioner herein shall pay monthly maintenance of Rs.2,500/- per month each to Respondent Nos.1 and 2 herein. Subject to the above modification in quantum of maintenance, the rest of the order of the court below remains unaltered.

With the above modification, the Criminal petition is disposed of.

Consequently, miscellaneous petitions pending, if any, in this Criminal Petition are closed.

JUSTICE M.S.K.JAISWAL

Dated: 29-08-2016

-
skmr

-

