

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.3181 of 2015 and Crl.R.C.No.633 of 2016

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COMMON JUDGMENT

Since both these revisions are directed against the order dated 08.12.2014 passed in M.C.No.31 of 2012 on the file of the Judge, Family Court-cum-IV Additional District and Sessions Judge at Vijayawada, Krishna District, they are being disposed of by this common judgment.

2. The parties herein are referred to as they are arrayed in M.C.No.31 of 2012.

3. The facts, in brief, are that the marriage between the petitioner and the respondent was performed on 29.11.2009 at Kondapalli, Krishna District, as per Christian rites and customs. After few days of their marriage, the respondent and his family members used to harass her by demanding additional dowry and beat her. She also filed a criminal complaint against them. Since the petitioner was unable to maintain herself, she filed the aforesaid maintenance case claiming maintenance @ Rs.40,000/- per month from the respondent. The trial Court after considering the evidence and the documents on record directed the respondent to pay monthly maintenance at the rate of Rs.15,000/- to the petitioner from the date of order i.e., 08.12.2014. Aggrieved by the same, the respondent filed Crl.R.C.No.3181 of 2015 and the petitioner filed another revision for enhancement of maintenance.

4. Heard and perused the material on record.

5. Learned counsel for the respondent/husband submitted that the trial Court passed an *ex parte* order and the respondent was not aware of the proceedings. He further submits that the maintenance awarded by the trial Court is on higher side and as the respondent lost his job, he could not able to pay the same. Thus, he prays to reduce the said maintenance awarded by the trial Court.

6. On the other hand, learned counsel for the petitioner/wife submitted that even though the petitioner has produced valid evidence, the trial Court granted meagre maintenance.

7. As seen from the record, the respondent was working as Programme Manager in Tata Consultancy Services and drawing Rs.1,20,000/-per month as salary at the time of order. The trial Court after considering the monthly income of the respondent and having regard to the present day cost of living awarded the said maintenance to the petitioner. However, in view of the stand taken by the respondent that he is suffering from financial crisis due to loss of his job, the impugned order passed by the trial Court is hereby modified as under;

The respondent-husband is directed to pay a sum of Rs.12,000/-per month to the petitioner-wife from the month of March, 2016 and continue to pay the same on or before 10th of every succeeding month. The arrears, if any, have to be calculated at the same rate and payable by the respondent in three equal monthly instalments from the month of March, 2016. The payments, if any made, have to be adjusted accordingly.

8. With the above modification, Crl.R.C.No.3181 of 2015 is disposed of and Crl.R.C.(SR).No.34779 of 2015 is dismissed.

Miscellaneous petitions, if any, pending in both these revisions shall stand closed.

JUSTICE RAJA ELANGO

9th February, 2016

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