

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.110 of 2016

ORDER:

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1. This Criminal Revision Case is filed by the petitioner aggrieved by the order dated 16.2.2015 passed in M.P.No.193 of 2013 in M.C.No.8 of 2000 by the Family Court-cum-V Additional District & Sessions Judge, Visakhapatnam.

2. The 1st respondent, who is the wife of the petitioner, filed the above M.C. against the petitioner claiming maintenance. After fullfledged trial, the trial Court granted maintenance at the rate of Rs.500/- per month to the 1st respondent vide order dated 25.8.2003. Subsequently, on the petition filed by the 1st respondent, the said maintenance amount was enhanced to Rs.800/- per month. Again, the 1st respondent filed the above M.P. seeking to enhance the maintenance from Rs.800/- per month to Rs.5,000/- per month. The trial Court allowed the above M.P. directing the petitioner to pay Rs.3,000/- per month from the date of petition. Aggrieved by the same, the petitioner preferred this revision.

3. Heard and perused the material available on record.

4. Learned Counsel for the petitioner submitted that the petitioner is a daily wage earner and he is earning Rs.100/- to Rs.150/- per day and that the maintenance enhanced by the trial Court is excessive and usurious.

5. Considering the facts and circumstances of the case and in view of the above submission made by the learned Counsel for the petitioner that the petitioner is a daily wage earner, this Court is inclined to modify the order of the trial Court as follows:

I) The petitioner is directed to pay a sum of Rs.2,000/- (per month to the 1st respondent towards monthly maintenance on or before 10th of every succeeding month;

II) The petitioner is directed to pay the arrears of maintenance at the rate fixed by this Court from the date of filing of the petition i.e., M.P.No.193 of 2013, within a period of three months from the date of receipt of a copy of this order;

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

JUSTICE RAJA ELANGO

Dated: 21st January, 2016

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