

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.189 of 2016

JUDGMENT

This revision is directed against the order dated 29.10.2015 passed in M.C.No.13 of 2010 by the learned Judge, Family Court-cum-III Additional District and Sessions Court, Srikakulam.

2. The facts, in brief, are that the marriage between the petitioner and the first respondent was performed on 14.05.2003 as per caste customs and out of their wedlock, the second respondent was born. Thereafter, the petitioner subjected her to ill-treatment under the guise that she gave birth to a female child and also demanded for additional dowry and finally, necked out her and her daughter from the matrimonial house. Since the first respondent was unable to maintain herself and her minor child, she filed the aforesaid maintenance case claiming maintenance @ Rs.3,000/- and Rs.2,000/- per month respectively, from the petitioner. The trial Court after considering the evidence and the documents on record, awarded maintenance at the rate of Rs.3,000/- and Rs.2,000/-per month to the first and second respondents respectively, from the date of filing of the petition i.e., from 26.04.2010 and directed the petitioner to deposit the arrears in the Bank account of the first respondent after deducting amounts, if any, paid to the first and second respondents, within two months from the date of the order. Aggrieved by the same, the petitioner-husband filed the present revision.

3. Heard and perused the material on record.

4. Learned counsel for the petitioner/husband fairly submitted

that the petitioner is ready and willing to pay the maintenance amount granted by the trial Court, but he prays to grant installments with regard to payment of arrears as ordered by the trial Court.

5. The trial Court after considering the monthly income of the petitioner, who was working in a shipping company at Visakhapatnam, awarded the said maintenance and the same cannot be said to be excessive. Therefore, this Court is not inclined to interfere with the order of maintenance granted by the trial Court. Insofar as payment of arrears as ordered by the trial Court is concerned, the petitioner is directed to pay the arrears, if any, in three equal monthly instalments. Accordingly, the petitioner is directed to pay the entire arrears at the rate fixed by the trial Court in three equal monthly instalments from the month of March, 2016 and to pay the monthly maintenance regularly on or before 10th of every succeeding month. The payments, if any made, have to be adjusted accordingly.

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

JUSTICE RAJA ELANGO

21st January, 2016

sj