

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.2525 OF 2017

JUDGMENT:

The present Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short 'Code') by the revision petitioner - husband aggrieved over the order, dated 16.06.2017, passed in CrI.M.P. No.424 of 2015 in M.C. No.404 of 2008, by the learned Judge, Family Court, Ranga Reddy District at L.B. Nagar, Hyderabad.

2. The CrI.M.P. No.424 of 2015 is filed by the petitioner - husband under Section 127 of the Code to reduce the maintenance amount awarded by the learned Judge in M.C. No.404 of 2008. In the said M.C. the husband was directed to pay a sum of Rs.2,000/- to respondent No.2 - wife and Rs.1,000/- to respondent No.3 - daughter towards their interim monthly maintenance. In the said petition, the husband claims that he has now retired from service, besides being physically handicapped, living in a rented house and suffering from old aged ailments. In fact, he refers to certain facts that respondent No.2 - wife filed CrI.M.P. No.278 of 2013 to enhance the maintenance to Rs.10,000/- per month, and that the learned Judge was pleased to enhance the same from Rs.3,000/- to Rs.10,000/- and that he is unable to pay such enhanced maintenance amount and, therefore, sought for reduction of maintenance amount from Rs.10,000/- to Rs.3,000/-.

i) The learned Judge having formulated the point for consideration and referring to the provisions of Section 127 of the Code, observed that respondent No.3, who is their daughter, was studying Engineering Second Year and still dependant on the petitioner, who is her father and she needs money towards her education, and respondent No.2 being wife is also entitled for maintenance and, therefore, the amount which was enhanced in Crl.M.P. No.278 of 2013 is reasonable according to the status of both parties and, therefore, there is no ground to vary the maintenance amount awarded in the said petition, and thereby dismissed the petition.

3. Aggrieved over the same, the revision petitioner preferred the present Criminal Revision Case.

4. Heard Sri T.S. Anand, learned counsel for the revision petitioner - husband. This Court before admitting the case, issued the notice to respondent Nos.2 and 3, but the same were returned and to that effect, the learned counsel for the revision petitioner filed a memo. Therefore, the present revision case is disposed of at the admission stage itself.

5. The only point that arises for consideration is, whether on account of retirement of the revision petitioner, the enhanced

maintenance amount can be reduced as sought for, and whether there is any legal infirmity in the order under challenge?

6. The revision petitioner conveniently sticking to his retirement and the alleged pecuniary constraints without coming out with relevant details. He does not spell out what were the amounts towards retiral benefits he received; he does not even spell out whether he has commuted any portion of the pension, and if so, what was the amount he derived throughout and what did he do with the amounts. In the absence of all these relevant details, on the mere ground that he has retired from service and that he has no source of income to pay the enhanced maintenance amount, his request to vary the order earlier passed enhancing the maintenance from Rs.3,000/- to Rs.10,000/- cannot be acceded to. There is absolutely no infirmity in the order under challenge.

7. The present Criminal Revision Case is, accordingly dismissed at the admission stage itself.

As a sequel thereto, miscellaneous petitions, if any, pending in the present revision, stand closed.

A. SHANKAR NARAYANA, J

November 28, 2017.
Mgr