

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE Nos.350 AND 964 OF 2005

COMMON ORDER:

The former revision case is filed by the husband questioning the order, dated 05.01.2005, passed in M.C.No.142 of 2002 on the file of the learned Additional Metropolitan Sessions Judge for the trial of Jubilee Hills Car Bomb Blast Case – cum – Additional Family Court, Hyderabad, granting maintenance of Rs.1,500/- per month to each of the respondents, on the ground that the learned Judge failed to notice that respondent Nos.2 and 3 were having deposits worth Rs.40,00,000/-, which were deposited by him, and they were also having balance of Rs.49,500/- and Rs.65,000/-, respectively, in Indian Bank, Kakatiya Nagar Branch, and similarly, the respondents were having balance of Rs.50,000/-, Rs.1,84,014/- and Rs.5,59,000/-, respectively, in I.O.B. and, in fact, he also refers to rejection of O.S.No.42 of 2002 filed by respondent No.1 – wife holding that respondent No.1 has sufficient source of income.

2. The latter revision case is filed by the wife challenging the very same order seeking enhancement of maintenance.

3. For the sake of convenience, the parties are hereinafter referred to as they were arrayed in CrI.R.C.No.964 of 2005.

4. Heard Sri V. Farook, learned counsel representing Sri T. Nagarjuna Reddy, learned counsel for the petitioners, and

Sri A. Hari Prasad Reddy, learned counsel for respondent No.1 - husband.

5. In the Maintenance Case, the revision petitioners sought Rs.10,000/- towards their monthly maintenance. As could be gathered from the concluding sentence of paragraph No.2 at internal page No.3 of the order under challenge, the learned Family Court, having analyzed the evidence let in by petitioner No.1 – wife, who was examined as PW.1, and respondent No.1 – husband, who was examined as RW.1, and the recitals in Exs.P1 to P46 and Exs.R1 to R117, granted a sum of Rs.1,500/- per month to each of the revision petitioners, and incidentally, observed that revision petitioner Nos.2 and 3 are entitled to maintenance till the date of their marriage as per the ruling in **Noor Saba Khatoon v. Md. Quasim**¹.

6. Learned counsel for the petitioners, though, seeks adjournment to get instructions, since, the matter was listed earlier in the advance list and again listed in the current list, it is taken up for hearing.

7. Learned counsel for respondent No.1 – husband would submit that, in fact, PW.1 has answered that she has been spending Rs.36,000/- towards maintenance of her family, when she gave evidence during the year 2005, and as such, she has sufficient source of income to maintain the family and, therefore, the petitioners are not entitled to enhancement of maintenance. It is also his submission that

¹ AIR 1997 SC 3280

petitioner No.2 got married and petitioner No.3 attained majority and he has to ascertain whether petitioner No.3 got married or not.

8. Leaving apart the submissions, when viewed in the context of status of living of the petitioners, as respondent No.1 – husband is a Doctor by profession and father of petitioner No.1 was also a Doctor working as District Medical and Health Officer during the relevant time, certainly, the amount of Rs.1,500/- per month awarded towards maintenance to petitioner No.1 requires enhancement and, therefore, as against Rs.1,500/-, respondent No.1 – husband is directed to pay Rs.5,000/- per month to petitioner No.1. Further, though, respondent No.1 – husband claimed that petitioner No.1 – wife filed O.S.No.42 of 2002 claiming maintenance, which was rejected by the City Civil Court holding that she has sufficient source of income, but he has not filed a copy of such rejection order passed in the said suit.

9. Accordingly, Crl.R.C.No.964 of 2005 is allowed in part enhancing the maintenance from Rs.1,500/- per month to Rs.5,000/- per month to petitioner No.1, while maintaining the order under challenge in all other respects, consequently, Crl.R.C.No.350 of 2005 stands dismissed.

10. Miscellaneous Petitions, if any, pending in these Criminal Revision Cases shall stand closed.

A. SHANKAR NARAYANA, J

November 09, 2017.
MD