

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.390 of 2017

ORDER :

Aggrieved by the order dated 17.09.2016 in CrI.MP.No.208 of 2015 in M.C.No.31 of 2008 passed by the Judge, Family Court-cum-III Additional District and Sessions Judge, Warangal, this revision is filed by the petitioner/ husband.

2. In this matter, on 21.03.2017 arguments already heard and posted under the caption 'for orders' to 23.03.2017 for any further submissions. Today, there is no representation for both sides and any further submissions made either for the revision petitioner or for revision respondent Nos.2 and 3.

3. Heard, as referred supra and perused the material on record.

4. The said application under Section 127 Cr.P.C. filed by the wife and minor son, aged about 8 years by then, to enhance monthly maintenance from Rs.3,000/- to Rs.15,000/- to wife and from Rs.2,000/- to Rs.10,000/- to minor son, with the claim that revision petitioner/ husband working as Senior Assistant in Medical and Health Department in Kakatiya Medical College Campus, Warangal, drawing a handsome salary of Rs.50,143/- p.m.; that they are unable to maintain themselves and depends on the mercy of her aged parents, who are retired employees. The same is opposed by the revision petitioner in his counter saying that his wife is not interested to live with him and she herself deserted him; that O.P.No.65 of 2008 for restitution of conjugal rights was dismissed and his application to grant divorce in O.P.No.1 of 2008 was allowed, which established the neglect or refusal

by his wife, thereby, she is not entitled to maintenance and she is affluent from her parents, who got wealth, from which she is sustaining and she deserves no consideration for any enhancement of maintenance.

5. It is only in the grounds of revision, the results of the petitions for divorce and conjugal rights respectively are referred and developed only in the oral arguments in the course of revision and not in the counter, before the lower Court.

6. Undisputedly, from Ex.P2-pay slip, the salary of the revision petitioner is Rs.54,167/- by April to July, 2016. What the learned Family Court Judge awarded enhanced maintenance of Rs.7,000/- p.m. to the divorced wife and Rs.5,000/- p.m. to the minor son, total Rs.12,000/- p.m., besides legal expenses of Rs.10,000/-, no way requires interference, much less, to reduce nor to hold that they are not entitled to maintenance, for not a case of any permanent alimony under Section 25 of the Hindu Marriage Act, while passing a decree of divorce granted by the Family Court concerned or any case of he paid any lump sum for any sustenance, apart from the fact that even divorced wife is entitled for maintenance.

7. Accordingly, the Criminal Revision Case is dismissed. Three months time is granted to pay all the arrears of maintenance.

8. Miscellaneous petitions, pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:23-03-2017
pab

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.390 of 2017

DATE: 23.03.2017



pab