

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE Nos.1111 of 2014 & 195 and 750 of 2017

COMMON ORDER:

Heard common arguments in all the matters.

Against the order in D.V.C.No.47 of 2012, dated 03-02-2015 and against granting of maintenance of Rs.4,000/- to the wife in M.C.No.88 of 2007, dated 26-02-2014, the husband-revision petitioner filed Crl.R.C.Nos.195 of 2017 and 1111 of 2014. Against the order in Crl.A.No.199 of 2016, dated 14-12-2016 modifying the order in D.V.C., the wife filed Crl.R.C.No.750 of 2017.

The reliefs granted in D.V.C. case in favour of the wife are that not to commit any acts of domestic violence by the respondent-husband, his brother and other family members; awarding Rs.6,000/- per month towards her maintenance from the date of order; refund of Rs.30,000/- towards 'sthridhana'; cash of Rs.30,000/- towards household articles; two (2) Gold rings worth Rs.20,000/- and also damages of Rs.1,00,000/-.

The lower appellate Court in Crl.A.No.199 of 2016, modified the same by setting aside the reliefs of 'Sthridhana' of Rs.30,000/- and household articles of Rs.30,000/- and

confirmed in all other respects regarding the maintenance claim, value of gold rings and damages.

The claim regarding the maintenance is that the wife is a house-woman, studied upto 10th class, unable to earn anything and there is a neglect and refusal by the husband and that the husband filed divorce and obtained exparte divorce and on coming to know of the same wife filed application to set aside the same, which is still pending before the Family Court, Vijayawada, and he did not provide anything having obtained divorce towards her maintenance and she filed application for restitution of conjugal rights, where there is no claim for interim maintenance made, that she suffered acts of domestic violence and with wearing cloths she was sent out virtually in December, 2002 and at the time of marriage her parents provided Rs.30,000/- towards 'Sthridhana' and household articles worth Rs.30,000/- and she is entitled to the same besides two Gold rings presented for which he admits in his evidence and towards damages she is entitled for what she suffered. Considering all the above aspects, the learned Magistrate, in D.V.C.No.47 of 2012, granted the reliefs stated supra and in the appeal impugned by the husband the same is modified, which is impugned in the two revisions referred supra.

In view of the above and also from the fact that, he is now working in Tech Mahindra is not in dispute but for particulars of salary as also observed in paragraph No.20 of the order in D.V.C.No.47 of 2012 by the learned Magistrate from the admitted relationship, he did not chose to file even a scrap of paper though he has to produce the facts within his personal knowledge on what are his earnings even the wife is claiming that her husband is earning Rs.35,000/- per month and by so holding, granting of Rs.6,000/- per month is just and reasonable towards her maintenance claim out of the monetary reliefs claimed from the date of order.

So far as the 'Sthridhana' and household articles are concerned, the court cannot keep its commonsense in cold storage but for to keep in mind in deciding the matter from the general practice and customs in vogue that in every family even parents are so poor they will not send the daughter after marriage without providing some wealth atleast in the form of pasupukumkuma, saree samans and household articles etc. These aspects when learned Magistrate rightly considered, for reversing the same by the lower appellate Court in Crl.A.No.199 of 2016, there is no basis or justification and that the order of the learned Magistrate is restored by setting aside the lower appellate Court's reversal order to that extent. So far as the damages of Rs.1,00,000/- is concerned, the same requires to be reduced to Rs.60,000/-. Needless to say,

after awarding Rs.6,000/- per month in D.V.C. case whatever payable in M.C. i.e., Rs.4,000/- is inclusive of what is awarded in the D.V.C. and the monthly amount in both matters payable shall not exceed Rs.6,000/- per month towards maintenance.

Accordingly, all the three revisions are allowed in part as indicated above. There shall be no order as to costs.

Miscellaneous Petitions pending consideration, if any, in the CrI.R.Cs. shall stand closed in consequence.

March 21, 2017

Pn

Dr. B. SIVA SANKARA RAO, J



HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO



CRIMINAL REVISION CASE Nos.1111 of 2014 & 195 and 750 of 2017

March 21, 2017

Pn