

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.577 of 2017

ORDER :

The revision petitioner/ husband is respondent in F.C.M.C.No.13 of 2016. The learned Judge, Family Court, by order dated 27.01.2017 awarded Rs.20,000/- p.m. to the 1st respondent/ wife herein from the date of petition filed on 12.09.2016. It is impugning the same, present revision is filed.

Along with the revision, there is a salary pay slip of the husband of January, 2017, which shows his gross salary is Rs.55,608/- and net salary Rs.35,933/- after deductions of P.F.contribution and V.P.F.Contribution each Rs.2,257/-, Professional Tax and Welfare Trust Rs.200/- each, transport deduction Rs.2,000/-, Soft loan Rs.12,761/-. Even taken into consideration of P.F. contribution, V.P.F. contribution, Professional Tax, Welfare Trust and transport deduction, the salary is above Rs.47,000/-, as Soft loan details are not mentioned whether it is a short term or long term, when incurred and for what purpose even. When such is the case, the maximum maintenance to be awarded out of the said amount is at no cost exceed $1/3^{\text{rd}}$ of the earnings. Hence,

the maintenance awarded by the lower Court at Rs.20,000/- p.m. is required to be reduced to Rs.15,000/- p.m.

Accordingly, the revision is allowed in part, by reducing the maintenance awarded by the lower Court from Rs.20,000/- p.m. to Rs.15,000/- p.m. In other respects the impugned order holds good. Three months time is granted to pay all arrears of maintenance in three equal monthly installments and non-payment of even one installment, results in execution for the entire amount to recover.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Date:11-04-2017

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Dr. B. SIVA SANKARA RAO, J



