

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Criminal Revision Case No.1629 of 2008

JUDGMENT:

No representation for the revision petitioner today.

2. Learned counsel for the respondents 1 and 2 is present. In fact, the learned counsel for the revision petitioner on previous occasion i.e., on 14.11.2017, just commenced the arguments, and, then sought time, on which date the learned counsel for the respondents 1 and 2 was also present.

3. The present Criminal Revision Case is preferred by the respondent/husband questioning the maintenance amounts of Rs.1,500/- to the 1st petitioner and Rs.1,000/- to the 2nd petitioner, who are mother and daughter respectively, awarded by the Additional Metropolitan Sessions Judge for the trial of JHCBBC-cum-Additional Family Court-cum-XXIII Additional Chief Judge, Hyderabad, by order, dated 30.08.2008, in M.C. No.325 of 2007, filed under Section 125 of the Criminal Procedure Code, 1973 (for short, 'Cr.P.C.').

4. Heard Sri Syed Ahmed Ali, learned counsel for the respondents 1 and 2, who would submit that the amounts granted by the Judge, Family Court, were very meagre compared to any standard, when, particularly, kept in view the present day cost of living and the said order was passed in 2008 in an application of the year 2007.

5. Learned counsel for the revision petitioner, though, commenced arguments, has not presented himself before the Court today.

6. Perused the order passed by the learned Additional Judge, Family Court. In fact, the evidence on record would point out that the revision petitioner/husband/respondent was a tailor by profession and running tailoring shop, and the Court below did not agree with the revision petitioner, and on Point No.1 assigning reasons held that the revision petitioner failed to prove that he gave divorce to P.W.1. The reason assigned by the learned Judge is based on proper appreciation of evidence, and on probabilities observing that the very fact the alleged Talaq was not intimated to the wife and the husband failed to examine Qazi in whose presence the husband said to have given or pronounced Talaq is sufficient to hold that the finding recorded by the learned Additional Judge, Family Court, does not suffer from any legal infirmity.

7. On Point No.2, it is not in dispute that the finding recorded by the Additional Judge, Family Court, cannot be interfered with for the reason that the wife did not separate herself on her own volition but only on account of harassment caused to her she was compelled to live separately. That conduct was taken into consideration by the learned Additional Judge, Family Court, and, accordingly, held the points in favour of the wife and against the husband.

8. On Point No.3, though, the learned Additional Judge, Family Court, observed that no concrete evidence was adduced to show that the husband was earning Rs.10,000/- to Rs.15,000/- per month, but basing on the stand taken by the husband that he was only earning Rs.2,000/- to Rs.2,500/- per month as tailor, observing that he did not adduce any evidence disagreeing with the same, and, however, opined that a person pursuing profession of tailoring must be earning not less than Rs.5,000/- per month and having arrived at that opinion, awarded the amounts of Rs.1,500/- and Rs.1,000/- per month respectively to the petitioners 1 and 2. This finding is also based on proper appreciation of evidence and also based on the probabilities derived by the Court below, certainly, they do not warrant interference as nothing is to be found in the present Criminal Revision Case that there is patent illegality in recording the said findings by the learned Additional Judge, Family Court.

9. Therefore, it is to be held that there is no merit in the present Criminal Revision Case and, accordingly, the same is dismissed confirming the order under challenge.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Revision Case, shall stand closed.

A. SHANKAR NARAYANA

Dt.21.11.2017
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