

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.1798 of 2008

ORDER:

The present Criminal Revision Case is filed by the revision petitioner – husband challenging award of maintenance amounts of Rs.1,500/- to respondent No.1 - wife and Rs.750/- per month each to respondent Nos.2 and 3 granted by the Judge, Family Court, Vizianagaram, vide his order dated 17.10.2008, in FCOP.No.49 of 2008, on the ground that he has been maintaining respondent Nos.2 and 3 and the learned Judge, Family Court, has not properly appreciated the evidence of RWs.2 and 3 and Ex.B5.

Smt. P.Rajeswari, learned counsel for the revision petitioner, would submit that Exs.B3 and B4, which are exchange of notices got issued by the parties through their Advocates, would clearly indicate that an attempt was made by the revision petitioner for restitution of conjugal rights and the same was lost sight of by the learned Judge, Family Court. It is the further submission of the learned counsel that the learned Judge, Family Court, has not considered the evidence in C.C.No.23 of 2006, wherein the revision petitioner was acquitted on the ground that the witnesses therein have stated that there was no marriage between the revision petitioner and respondent No.1. The learned counsel, of course, did not seriously press the grounds agitated. Learned counsel would also submit that respondent Nos.2 and 3 have attained majority and since they ceased to be minors, the

order of maintenance awarded by the learned Judge, Family Court, automatically ceases from the date of their attaining majority. It is also the submission of the learned counsel that as directed by this Court while granting stay, the petitioner has been depositing the amounts, but the respondents have not withdrawn the same.

Be that as it may, there is no serious challenge to the order under revision. On perusal of the evidence on record, the copies of depositions filed by the revision petitioner, the discussion made by the learned Judge, Family Court, and also taking into consideration the factum of marriage between the revision petitioner and respondent No.1 having been proved and also the fact that the petitioner being a chowkidar working in Indian Railways has got means to pay the maintenance amounts to respondent Nos.1 to 3, it can be said that the Judge, family Court, has rightly ordered maintenance as mentioned in the above. There is absolutely no error crept in the order under challenge and the evidence let in by the revision petitioner would not indicate that respondent No.1 along with respondent Nos.2 and 3 on her volition left the society of the revision petitioner. Since the revision petitioner is working as a servant in Indian Railways drawing regular salary, he cannot contend that the amounts granted by the Judge, Family Court, are either excessive or exorbitant. There is no merit in the present revision.

Hence, the present Criminal Revision Case is dismissed.

As a sequel thereto, miscellaneous petitions, if any pending in the Criminal Revision Case, stand closed.

JUSTICE SHANKAR NARAYANA

15.11.2017
v v

