

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL REVISION CASE NO.1624 OF 2017

ORDER:

This civil revision case is filed under Sections 397 & 401 Cr.P.C questioning the propriety, legality and regularity of the order in CrI.M.P.No.218 of 2017 in M.C.No.65 of 2014 dated 31.05.2017 passed by the Judge, Family Court-cum-VI Additional Sessions Judge at Khammam.

M.C.No.65 of 2014 filed by the petitioners against the respondent was allowed *ex parte* on 05.02.2015, awarding maintenance of Rs.20,000/- to each of the petitioners from the date of petition, against which the respondent filed a petition to set aside the *ex parte* order and the same was dismissed. Thereafter, the respondent preferred CrI.R.C.No.572 of 2016 and CrI.R.C.Nos.2714 & 3273 of 2015 and vide order dated 04.02.2016, the respondent was directed to deposit Rs.2,00,000/- towards maintenance to the petitioners. In pursuance of the directions issued by this Court, the respondent deposited an amount of Rs.2,00,000/- towards maintenance of the petitioners. Thereafter, the petitioners filed CrI.M.P.No.218 of 2017 to withdraw the deposited amount, as they are old aged of 73 years and 68 years respectively and the second petitioner underwent heart surgery and having no means to maintain themselves, the first respondent possessed sufficient means to maintain the petitioners. The Trial Court observed that though the nature of amount which is kept in the deposit was towards maintenance to the petitioners,

but as there was no specific direction from the High Court for withdrawal of the said amount by the petitioners, and did not permit the petitioners to withdraw the said amount of Rs.2,00,000/-. Aggrieved by the said order dated 31.05.2017, the present revision is filed.

As seen from the material on record, both the petitioners are aged 72 and 68 years respectively and they have no source of income to eke-out their livelihood. Moreover, the second petitioner underwent heart surgery and facing financial crisis. The first respondent, being the son who is under legal obligation, failed to provide necessary maintenance to old aged parents i.e petitioners. Hence, the petitioners are claiming maintenance. Accordingly, they filed maintenance case before the Family Court. As the petitioners have no source of income to maintain themselves to meet the incidental and medical expenses, I deem it appropriate to direct the petitioners to withdraw an amount of Rs.1,00,000/- (Rupees One Lakh only) out of the deposited amount of Rs.2,00,000/- to meet the necessary incidental and medical expenses.

With the above direction, the criminal revision case is partly allowed.

Consequently, miscellaneous applications pending if any, shall stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Date:04.08.2017

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