

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.1872 of 2008

ORDER:

Heard Sri N. Hari Prasad, learned counsel for the revision petitioner, and Sri M. Ram Mohan Reddy, learned counsel for respondent No.2.

The revision petitioner, who is the father of respondent No.2, is claiming maintenance against his sole son – respondent No.2, though, he has got two daughters, who are not made as parties.

The present Criminal Revision Petition is filed aggrieved by the order dated 20.11.2008 in F.C.M.C.No.50 of 2008 on the file of the Judge, Family Court at Karimnagar (Old M.C.No.16 of 2008 on the file of the Additional Judicial Magistrate of First Class, Karimnagar), whereby and whereunder, the Judge, Family Court, has dismissed the petition under Section 125 of the Code of Criminal Procedure filed by the revision petitioner claiming maintenance of Rs.5,000/- per month from his son.

The learned Judge, Family Court, having analysed the evidence of PW.1 and RW.1 without any documentary evidence, assigning certain reasons, refused to grant maintenance and dismissed the petition. Aggrieved over the said order, the father preferred the present Criminal Revision Case.

Sri M. Ram Mohan Reddy, learned counsel for respondent No.2, would submit that the revision petitioner has gifted some of his

properties to his daughters excluding his natural son-respondent No.2 and, though, he has got number of properties and is able to sustain himself, only to wreck vengeance against respondent No.2, he has filed the maintenance case. Learned counsel would further submit that, in fact, on account of the status and influence of the revision petitioner, respondent No.2 is unable to secure any employment.

On the other hand, learned counsel for the revision petitioner would refute the stand of respondent No.2 and, according to him, respondent No.2 is well placed and can afford to pay the maintenance to the revision petitioner.

When the order under challenge is examined, the answers given by PW.1 in his cross-examination would clearly indicate that he has shown a partisan or partial attitude by giving some properties to his daughters excluding his son. The Judge, Family Court, having analysed the evidence of PW.1, opined that PW.1 was not telling true facts before the Court and that, though, PW.1 has given substantial properties to his daughters, he did not choose to add them as parties, but wants maintenance from his only son, to whom no properties were given by him. The Judge, Family Court, also assigned yet another reason that, in the chief-examination, PW.1 asserted that RW.1 was getting Rs.3,500/- per month, but, strangely, PW.1 was asking maintenance of Rs.5,000/- per month. That has been the reason the learned Judge, Family Court, dismissed the application.

A perusal of the evidence on record, particularly, PW.1's deposition would indicate that he was maintaining Indica car and that

has been the clear evidence on record, in which case, certainly, it is really annoying feature to respondent No.2 herein on account of the revision petitioner demanding maintenance from him, who is not doing any job and, even if doing any job, must be a sundry one to sustain himself.

Thus, holding that there is no merit, the present Criminal Revision Case is dismissed.

As a sequel thereto, miscellaneous petitions, if any pending in the present revision, stand closed.

21.11.2017
v v

JUSTICE SHANKAR NARAYANA

