

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE No.3048 of 2016

ORDER:

Impugning the order of the Judge of the Family Court-cum-Additional District Judge, Karimnagar, in FC.MC.No.2 of 2013 dated 21.09.2016 awarding maintenance of Rs.10,000/- per month from the date of filing of the petition with a direction to pay all arrears within three (03) months passed on the application of his wife/revision 2nd respondent, the revision petitioner/MC respondent maintained the revision.

The contentions in the grounds of revision vis-à-vis the oral submissions are that the impugned order is baseless and unsustainable and allowed as if admitted by wrong and misreading, is liable to be set aside. The revision petitioner is not earning as claimed. He is a private employee and earning only Rs.4,000/- per month. Whereas it is the submission of the learned counsel for the MC petitioner/2nd respondent to the revision that the order of the lower Court holds good.

Heard and perused the material on record.

The impugned order of the lower Court at Para 22 refers as if there is an admission by the respondent RW.1 in his evidence that he is carrying on business in Western Union Money Transformer work and also distributing alovera products at Warangal besides own house. In fact he denied such suggestion and there is no admission for the lower Court so to mention, from very reading of deposition of RW.1. However, the fact remains that he owns a house and getting income on that house as per Ex.A3 rental agreement substantiates the same besides other business income.

Having regard to the above and considering the facts, what the maintenance of Rs.10,000/- per month is reduced to Rs.7,000/- per month and the time is granted of three (03) months from today to pay all arrears.

Accordingly and in the result, the criminal revision case is disposed of.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 20.02.2017
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