

THE HON'BLE DR JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No. 559 OF 2013

ORDER:

Impugning the order dated 11.01.2012 in FCMC No.18 of 2011 on the file of the Family Court, Srikakulam, awarding maintenance of Rs.5,000/- per month from the date of order, the MC Respondent maintained the revision.

2. The contentions in the grounds of revision vis-à-vis the oral submissions of the learned counsel for the petitioner are that the petitioner is not a Lecturer with M.A., B.ed qualification, but for presently he is working in Nalanda College and not in Sri Chaitanya College and that he is getting meagre income and awarding of Rs.5,000/- per month is unsustainable. Whereas it is the submission of the learned counsel for the respondent/wife that the order of the lower court holds good and for this court within the limited scope while sitting in Revision, there is nothing to interfere and prays to dismiss the petition.

3. Heard. Perused the material on record.

4. Undisputably, the petitioner is a postgraduate. He is working, even according to him, since prior to the date of marriage in the year 2009. There is only oral evidence of PW1 and RW1, the petitioner and respondent respectively. In view of the provisions of Section 106 of the Indian Evidence Act,

1872, petitioner is the best person to produce the best evidence as to what is his cadre and what salary he is getting and when the petitioner-husband failed to produce and when the respondent-wife says that he is drawing more than Rs.12,000/- per month, it is just to award minimum amount of Rs.4,000/- per month by reducing from Rs.5,000/- to Rs.4,000/- per month. Three months time is granted for payment of all arrears, if any, failing which the order of the lower court shall be executed.

Accordingly, the Criminal Revision Case is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE B. SIVA SANKARA RAO

February 6, 2017
Lmv

