

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.340 OF 2017

JUDGMENT:

The present Criminal Revision Case is preferred by the husband viz., Chilumala Srinivas, challenging the order dated 07.01.2017, passed by the learned Judge, Family Court, Warangal in Criminal M.P. No.143 of 2014 in M.C. No.8 of 2003, enhancing the monthly maintenance amount by Rs.8,000/- per month from the date of petition, further directing to pay Rs.5,000/- to respondent Nos.1 to 3 herein, who are wife and daughters of the revision petitioner, towards litigation expenses.

2. Criminal M.P. No.143 of 2014 was filed under Section 125(3) of the Code of Criminal Procedure, 1973 (for short 'Code') for enhancement of monthly maintenance.

3. The facts are that originally, when M.C. No.38 of 2003 was filed, respondent No.1, wife of the revision petitioner, was awarded Rs.1,000/- towards monthly maintenance and for respondent Nos.2 and 3 Rs.750/- each. In 2011, when enhancement was sought, in M.P. No.96 of 2011, the monthly maintenance was enhanced to Rs.3,000/- so far as respondent No.1 is concerned and Rs.2,500/- to respondent Nos.2 and 3 each. In 2014, once again, the present i.e., M.P. No.143 of 2014 was filed requesting to enhance the monthly maintenance

from Rs.8,000/- to Rs.30,000/- in all. The learned Judge, Family Court, based on the evidence of PW.1 – wife (respondent No.1) and RW.1 – husband (revision petitioner), and salary of the revision petitioner as shown under Ex.P-1 salary certificate, holding that the revision petitioner draws Rs.52,000/- towards gross salary and most of the deductions are deferred payments as one day or the other, he would be getting them back and thereby enhanced the maintenance by Rs.8,000/- per month totalling to Rs.16,000/- per month being paid to respondent Nos.1 to 3 at Rs.6,000/- to respondent No.1 and Rs.5,000/- each to respondent Nos.2 and 3.

4. Heard Sri Dadi Radhakrishna, learned counsel for the revision petitioner, and Sri A. Prabhakar Rao, learned counsel for respondent Nos.1 to 3, and perused the material on record.

5. The learned counsel for the revision petitioner would submit that the salary certificate dated 05.12.2016, would show that the revision petitioner was drawing a salary of Rs.48,309-69 paise and total deductions are Rs.41,577-85 paise and the net pay was Rs.6,731/- being drawn. Therefore, it is his submission that the Court below did not properly address to the total deductions and the net pay drawn by the revision petitioner.

6. His further submission is that three years prior to filing the present petition, enhancement was made and within short span, the

present enhancement was sought for without there being reasonable ground and, therefore, sought to set aside the same.

7. The earlier enhancement claimed in the year 2011 is not in dispute and the order was passed in 2013 by enhancing the amounts as mentioned in the above. After a lapse of more than three years period, the present application was filed, as it is not unusual that the children would be growing up and certainly, educational expenses besides other expenses towards purchase of clothes and medicines are to be met. Thus, when viewed, certainly, it cannot be said that within short span, respondent Nos.1 to 3 moved the Court for further enhancement.

8. Turning to the salary drawn by the revision petitioner, the total deductions are to the tune of Rs.41,577-85 paise which is almost 80% of the gross salary. It is too difficult to comprehend that with Rs.6,731-84 paise, the revision petitioner would be meeting the day today expenses including his sustenance. It is not in dispute that Rs.8,000/- he is supposed to pay towards monthly maintenance of respondent Nos.1 to 3. The deferred deductions, as rightly observed by the learned Judge, Family Court, did not have any bearing as they are to be returned to the revision petitioner. The statutory deductions alone have to be considered in a case where maintenance is to be awarded. Thus, there is absolutely no infirmity in the order passed by the learned Court below warranting interference.

9. Therefore, the Criminal Revision Case is dismissed confirming the order under challenge.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present revision case stand dismissed.

A. SHANKAR NARAYANA, J

November 29, 2017.
PV

