

HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.779 of 2017

ORDER:

Heard both sides.

2. Perused the impugned order in M.c.180 of 2012, dated 12.11.2016, passed by the learned Judge, Family Court, Vijayawada, out of the claim by the wife against the husband claiming as house wife at Rs.10,000/- per month from date of petition, the learned Judge, Family court, considering the interim maintenance awarded of Rs.1,200/- per month, granted Rs.3,000/- per month from date of petition, same is impugned in the revision filed by the husband claiming that she is also earning and he is only a cleaner and his earnings are not more than Rs.100/- per day and awarding of Rs.3,000/- per month *per se* unsustainable and liable to be set aside.

3. Whereas, it is the submission of the learned counsel for the revision respondent/M.C. petitioner that the order of the lower court holds good and for this court, while sitting in revision within the limited scope, there is nothing to interfere, hence to dismiss the present revision.

4. The fact that the M.C. petitioner is a house wife is not in dispute. The respondent is working as a cleaner is also not in dispute. But for to believe or not of he is getting Rs.100/- per

day, it is hardly believable of as a cleaner he is working for Rs.100/- per day and even taken the minimum wages, he could earn besides other allowances as a cleaner, what the lower court awarded of Rs.3,000/- requires to be reduced to Rs.2,500/-.

5. Accordingly, the revision is allowed in part, with a direction to the petitioner to pay all arrears within two months from date of receipt of the order, failing which the M.C. petitioner can execute and recover.

6. Miscellaneous petitions pending, if any, in this case shall stand closed.

23.03.2017
SS

DR.B.SIVA SANKARA RAO,J

