THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRL.R.C.No.1621 OF 2006

ORDER:

This revision case is filed under Sections 397 and 401 of Cr.P.C questioning the propriety, legality and regularity of the order, dated 26.07.2003 in M.C.No.171 of 2003 passed by the Family Court-cum-IV Additional District and Sessions Judge at Vijayawada awarding maintenance of Rs.2,000/- per month from the date of petition to respondent No.2-Mandalapu Divya Balaji, who is minor by then.

2. It is an admitted fact that the respondents herein filed maintenance case under Section 125 Cr.P.C. seeking maintenance of Rs.3,000/- per month each from the petitioner alleging that the marriage between the petitioner and the 3rd respondent was performed as per Hindu Rights and Customs on 25.03.1999 at Vijayawada and they lived happily for two years and during their wedlock, they blessed with respondent No.2 and that the 2nd respondent is aged about 8 years by the date of filing maintenance case. According to the learned counsel for the petitioner, the 2nd respondent attained majority. The petitioner being a father is under legal obligation to maintain the 2nd respondent. When the petitioner failed to provide necessary maintenance to the 2nd respondent, he can approach the Court either under Section 125 Cr.P.C. or under Section 20 of the Hindu Adoption and Maintenance Act. The proceedings under Section 125 Cr.P.C. are summary in nature.

3. Learned counsel for the petitioner fairly conceded that during pendency of this revision, interim stay was granted on 02.02.2007 subject to deposit of Rs.1,500/- per month and accordingly, the interim order was complied with and that the only dispute is with regard to the balance amount of Rs.500/-. The 2nd respondent now became major and

to meet his necessities, the petitioner is required to pay maintenance for food, shelter, clothing, education etc. till attaining majority and that the amount awarded by the trial Court is hardly sufficient, taking into consideration the price index and cost of living, prevailing as on that day is just and reasonable. Therefore, I find no ground to interfere with the findings recorded by the Court below and reduce maintenance. Even otherwise, amount of maintenance awarded by the Court below as on today is meager taking into consideration the present price index prevailing and standard of living the 2nd respondent as expected. Therefore, the order passed by the Court below is free from legal infirmities warranting interference exercising power conferred under Sections 397 and 401 Cr.P.C. and accordingly, the order dated 26.07.2003 in M.C.No.171 of 2003 passed by the Family Court-cum-IV Additional District and Sessions Judge at Vijayawada is confirmed.

4. Accordingly, the Criminal Revision Case is dismissed.

Miscellaneous petitions, if any, pending in the criminal revision case, shall stand closed.

M. SATYANARAYANA MURTHY J

Date: 05.10.2017
kvrm