

**HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

**Criminal Revision Case No.527 of 2017**

**JUDGMENT:**

The petitioners in Criminal M.P. No.357 of 2015, not satisfied with the enhancement of maintenance amounts from Rs.1,500/- and Rs.1,000/- respectively, awarded in main Maintenance Case No.7 of 2011, dated 10.11.2012, when filed Criminal M.P. referred to in the above, seeking Rs.8,000/- from Rs.2,000/-, the learned Judge, Family Court-cum-VI Additional District Judge, Kadapa, having examined P.Ws.1 and 2 and marked Exs.P1 to P3, noting that the pay slip filed by the revision petitioners for the month of August, 2015 of the 1<sup>st</sup> respondent-husband that the 1<sup>st</sup> respondent-husband was getting gross salary of Rs.18,635/- and net pay of Rs.7,129/-, and discarding the evidence of P.W.2 on the main ground that there was no rental lease agreement between P.W.2 and the petitioner No.1, though, P.W.2 spoken that he was paid Rs.4,000/- towards monthly rent, enhanced to Rs.3,000/- concerning the 1<sup>st</sup> petitioner and Rs.1,500/- concerning the 2<sup>nd</sup> petitioner.

2. Further dissatisfied, the present Criminal Revision Case is filed by them requesting to grant monthly maintenance as sought for in Criminal M.P. No.357 of 2015, by way of enhancement.

3. Heard Sri V.R. Reddy Kovvuri, learned counsel for the revision petitioners.

4. Though service was effected on the 1<sup>st</sup> respondent-husband, he has not entered appearance. Memo is filed in proof of service annexing thereto postal acknowledgment, which would show that the respondent received the notice.

5. The learned Counsel, now, sought to present the recent pay slip issued for the month of January, 2017, where the amount is shown as Rs.23,505/- towards gross salary and net salary of Rs.10,740/-. Even in paragraph-8, learned Judge observed that the gross salary in the month of August, 2015 was Rs.18,635/-.

6. It is now well settled that except statutory deductions private deductions shown by the party cannot be given any credit or weight. Reference can be had to the ruling in **Vinod Kumar v. Vandana**<sup>1</sup> for the proposition that only statutory deductions, like provident fund, etc., are to be taken into consideration, and voluntary deductions, like payment of loans cannot be.

7. The learned Judge, somehow, did not pay attention towards this particular aspect, nor the learned counsel for the revision petitioner before the Court below did canvass it. In such an event, certainly, the amount of Rs.3,000/- granted by the learned Judge to the 1<sup>st</sup> petitioner is enhanced to Rs.4,500/- and the amount of Rs.1,500/- granted to the 2<sup>nd</sup> petitioner is enhanced to Rs.2,500/-, from Rs.1,500/-

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<sup>1</sup> 1986 (3) Crimes 259 = Laws (DLH) 1986 (8) 14

and Rs.1,000/- respectively, originally granted, keeping in view the documentary evidence Exs.P1 to P3.

8. Accordingly, the Criminal Revision Case is allowed as indicated in the above.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Revision Case, shall stand closed.

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A. SHANKAR NARAYANA

Dt.15.11.2017  
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