

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.1053 of 2017

ORDER :

The revision petitioner is respondent in D.V.C.No.276 of 2012. Impugning the order dated 07.06.2013 in D.V.C.No.276 of 2012 passed by the IV Metropolitan Magistrate, Hyderabad, granting Rs.2,000/- p.m. to the wife and Rs.1,000/- p.m. to the minor son from the date of petition filed on 07.12.2010, wife filed Criminal Appeal No.654 of 2013, it is after contest by the impugned order dated 18.01.2016 while confirming the maintenance from the date of petition, the maintenance amount of Rs.2,000/- p.m. and Rs.1,000/- p.m. respectively enhanced to Rs.3,000/- p.m. and Rs.1,500/- p.m. It is impugning the same, present revision is filed.

The main contention drawn to the attention of this Court sitting in revision to decide the *lis* covered by the impugned appellate Court is that there is no basis for the lower appellate Court to reverse the finding of the lower Court in arriving quantum, that too, when lower Court rightly brushed aside Exs.P14 and P15, which are invitation card and visiting card. In fact, Exs.P14 and P15 are the

opening of shop by the revision petitioner and invitation for inauguration of new shop for the said business in computers. Ex.P15 is visiting card as proprietary concern of the said entity of the business he is running. In the evidence, there is no dispute in the cross examination of those are correct and he never did any such business and there is no opening of shop in ignoring the same, despite, the fact is proved, the lower Court committed an error, which is rectified by the lower appellate Court in considering estimated means from the business he is running, thereby, with the impugned order of the appellate Court in enhancing the quantum, there is nothing to interfere.

Having regard to the above, this Criminal Revision Case is dismissed. However, four months time is granted to the revision petitioner to pay arrears of maintenance in four equal instalments from the date of receipt of copy of this order and even if the first installment is not paid, the lower Court can enforce for its recovery in toto.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

Date:27-04-2017
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