

HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.1231 OF 2016

ORDER:

The revision petitioner is the husband of the revision 2nd respondent, (since died pending the revision on 28.01.2017) and father of the revision 3rd respondent (only daughter in their wedlock).

2. Originally, in M.C.No.58 of 2010, under the compromise dated 22.01.2011, Rs.3,000/- each to the wife and daughter was awarded. Subsequently, CrI.M.P.No.177 of 2013 is filed before the Judge, Family Court, Warangal, to enhance the Rs.3,000/- to Rs.7,000/- per month. The learned Judge, after enquiry, covered by the impugned order dated 06.01.2016, enhanced from Rs.3,000/- to Rs.6,000/- each.

3. Heard both sides and perused the material on record.

4. The relationship is not in dispute. If at all, there are any arrears so far as the deceased 2nd respondent to the revision (wife) concerned, even under Section 15 of the Hindu Succession Act, the daughter and the husband (who is the revision petitioner) are the equal Class-I heirs. As such, and also from the facts that he is a pensioner, by setting aside the enhancement to the wife from Rs.3,000/- to Rs.6,000/-, by upholding the award of maintenance till her death at

Rs.3,000/- and to pay whatever arrears till her death to the daughter (revision 3rd respondent), the maintenance enhanced to the daughter from Rs.3,000/- to Rs.6,000/- per month by the lower court is upheld.

5. Accordingly, this criminal revision case is allowed in part to the above extent. Time is granted of three months to pay whatever arrears due. Miscellaneous petitions pending, if any, in this case shall stand closed.

06.04.2017
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DR.B.SIVA SANKARA RAO,J

