

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE No.1925 of 2016

ORDER :

This Criminal Revision Case is filed by the petitioner/MC respondent aggrieved by the order dated 04.03.2016 in M.C.No.58 of 2013 passed by the Judge, Family Court, Ranga Reddy District at L.B. Nagar, Hyderabad.

2. The revision petitioner is none other than the respondent in M.C.No.58 of 2013 on the file of the Judge, Family Court, Ranga Reddy District at L.B. Nagar, Hyderabad, that was maintained against him by his wife and 2 children, aged about 12 and 9 years, respectively, by then. They claimed maintenance of Rs.15,000/- per month each, saying that the MC respondent/revision petitioner herein is working as a Lab Technician and earning more than Rs.30,000/- per month. The relationship between the parties, including the marriage of the MC 1st petitioner with the MC respondent performed in April, 1998 and the MC petitioner Nos.2 and 3 born in their wedlock are not dispute. However, regarding dowry harassment or additional demands or ill-treatment etc., the lower Court held that there is a neglect or refusal, from which they are entitled to the maintenance and accordingly fixed the quantum at Rs.5,000/- per month each to petitioner Nos.1 and 2 i.e., the wife and eldest child, respectively, and dismissed the claim for the second child, saying that the second child/petitioner No.3 is studying in a Residential School and her expenses are being borne by the MC respondent, who admitted her in the school.

3. Exs.R.1 to R.8 are the documents filed on behalf of MC respondent through his evidence as RW.1, including the said proof of the MC 3rd petitioner admitted by him in a Residential School and he is paying the school fee and other expenses of her. Out of PWs.1 and 2, the 1st petitioner is PW.1 and Exs.P.1 to P.5 relate to the undisputed facts of marriage and children born during wedlock.

4. The main impugnement in the revision is on the quantum of maintenance of Rs.5,000/- per month each granted to the MC petitioner Nos.1 and 2, as unsustainable. In this regard, what the revision petitioner/MC respondent contested is, because of the nuisance created from the frequent visits by the MC 1st petitioner to the Hospital premises, where he was working as a Lab Technician, he lost the job and as on today he has no means even for his survival. There is no scrap of paper filed by him to show that he was removed from the service as Lab Technician or what are his earnings. No doubt, even the MC petitioners did not file any proof in saying that he is getting Rs.30,000/- per month.

5. Having regard to the above, once the MC petitioners are asserting that the MC respondent is getting Rs.30,000/- per month as a Lab Technician and the factum of he was working as Lab Technician not in dispute, and for what he was getting, he did not file any proof to rebut the said evidence in discharge of his burden and as he did not file any proof to the effect that he lost the job, suffice it to say that he is getting Rs.30,000/- per month as a Lab Technician and, as such, and from the factum of he is bearing the expenses for the MC 3rd petitioner (second daughter), it is just and fair to grant maintenance of Rs.4,000/- (Rupees four thousand

only) per month each to the MC petitioner Nos.1 and 2 from the date of the petition, by modifying the same from Rs.5,000/- as was awarded by the Court below.

6. Accordingly, this Criminal Revision Case is disposed of. Time is granted for payment of arrears of maintenance in three equal monthly instalments from the date of receipt of a copy of this order. Non-payment of any single instalment entitles the revision respondent Nos.1 and 2 to recover the entire amount.

7. As a sequel, miscellaneous petitions pending, if any, in this revision shall stand closed.

08.02.2017
Msr



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