

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE Nos.3311 of 2016 and 256 of 2017

COMMON ORDER :

Impugning the order of the Judge, Family Court-cum-IV Additional District Judge, Kurnool, in F.C.M.C.No.31 of 2014 dated 15.11.2016 in the maintenance claim of the wife against the husband in granting Rs.5,000/- p.m. from the date of order, wife maintained Crl.R.C.No.256 of 2017 and husband maintained Crl.R.C.No.3311 of 2016. Both the revisions are taken up for common disposal as outcome of same order of the lower Court.

2. The contentions of the wife are that her husband is earning more than Rs.30,000/- p.m. and also getting income from land and house properties and Rs.5,000/- p.m. that too, from the date of the impugned order, instead of, from the date of petition, is utterly low, hence to enhance at least Rs.15,000/- p.m. as claimed.

3. The contentions of the husband are that he is getting only Rs.6,000/- p.m. by working in Krishidan Seeds Company as a technical worker; that his wife is working in Bhashyam

School and getting Rs.15,000/- p.m. with her P.G.qualification in M.Sc., Chemistry by Distance Education, admittedly; that she also got properties and hence she is not entitled to any maintenance; that awarding Rs.5,000/- p.m. is unsustainable as he has neither house nor landed properties but for his father is retired employee having purchased house from Jana Priya Housing Society at Rajendranagar, Hyderabad.

4. From the respective contentions and hearing and from perusal of the material, the relationship of the parties is not in dispute. Though it is the duty of the husband to produce the best evidence of what is his salary rather than orally saying getting Rs.6,000/- p.m. and not believable of his employer did not issue salary certificate to him for the allegation of getting only Rs.6,000/- p.m., despite the wife contending of he is getting Rs.30,000/- p.m., leave about no property particulars of him furnished by the wife but for any admission of him of there is an apartment in Rajendranagar, Hyderabad, they got and he does not know whether it is by sale of properties of Kurnool District, near Nandyal that was purchased. Even, so far as claim of his wife getting Rs.15,000/- p.m. by working in

Bashyam School of what he claimed of even he approached the school authorities, they refused to give salary certificate, that is not the be all, for he could have been sought for summoning the school authorities to produce the record of whether she is working or not and if so, on what salary and having failed to do so, though wife otherwise qualified and can earn to take at best into consideration, what the amount of Rs.5,000/- awarded only from the date of impugned order requires to be modified as Rs.4,000/- p.m. from the date of order.

5. Accordingly, both the Criminal Revision Cases are allowed in part. The husband is granted two months time to pay all the arrears of maintenance.

6. Miscellaneous petitions, pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:07-04-2017
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