

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.576 of 2017

ORDER :

Impugning the order of the learned Judge, Family Court in F.C.M.C.No.46 of 2014 dated 23.01.2017 granting maintenance of Rs.20,000/- p.m. to the minor son, 2nd respondent herein, aged about 5 ½ years by the year 2015, from the date of petition 31.10.2014, the present revision is maintained by the father of the child.

Heard both sides and perused the impugned order and also the respective contentions with reference to material on record.

The relationship between the parties is not in dispute. Both parties did not produce their salary certificates. The wife examined as PW.1 and husband as RW.1 respectively. There are admissions in their evidence that husband is getting a salary of Rs.1,27,000/- p.m. and wife is getting more than Rs.1,00,000/- p.m. When both parents are earning, it is the settled law that both have to take care and provide maintenance to the child. The child is the only issue in their wedlock. Undisputedly, the relationship is strained leading to filing of matrimonial claims and disputes are pending. In case of wife, the wife is entitled to have equal status of luxurious

life with the husband. Same analogy even is to be extended to the child, undisputedly.

However, so far as luxurious life of the child of 5 ½ to 6 years concerned, he has to provide a comfortable life and education for the prospective and bright future. Once there is an equal obligation to the mother of the child also with her, awarding maintenance of Rs.20,000/- p.m. to the child is excessive, thereby, reduced the same to Rs.15,000/- p.m. In other respects, the impugned order holds good. Three months time is granted to the petitioner to pay all the arrears of maintenance, failing which the lower Court shall execute and enforce for its recovery.

Accordingly, the Criminal Revision Case is partly allowed.

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

Dr. B.SIVA SANKARA RAO J,

Date: 19.04.2017.

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