

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.1409 OF 2005

JUDGMENT:

No representation for the revision petitioner - husband.

2. Heard Sri K. Vasanth Rao, learned counsel, for Sri Y.V. Ravi Prasad, learned counsel for respondent No.1 - wife.

3. Learned Judge, Family Court, Visakhapatnam, in M.C. No.5 of 2003, ordered a monthly maintenance of Rs.2,000/- to the respondent No.1 - wife herein, by a common order, dated 09.07.2004, along with O.P. No.296 of 2000 filed by the revision petitioner - husband for grant of divorce, which was dismissed.

4. Questioning the aforesaid order granting monthly maintenance, the present Criminal Revision Case is filed by the revision petitioner on the sole ground that he was only earning Rs.800/- per month as salary working as Salesman in Medical Store, and the learned Judge, Family Court did not take note of the said fact and deviated in appreciation of evidence and, therefore, sought to set aside the same.

5. A perusal of the discussion of the learned Judge, Family Court in paragraph No.23 of the order dealing with point No.3 in M.C. No.5 of 2003 would show that Ex.A-3, Salary Certificate, filed by the revision petitioner - husband said to have issued by his employer was

not believed by him for two reasons. First, it was filed after closure of evidence when the case was coming up for arguments by recalling and further examining himself as PW.1. Second, the document itself is not proved since he failed to examine the author of the said document, and the learned Judge, Family Court felt that it would be reasonable to award Rs.2,000/- keeping in view, the cost of living and that is how he awarded the said amount.

6. In the grounds of appeal, nothing was stated except mentioning that as per Ex.A-3 he was getting Rs.800/-, but the learned Judge had awarded Rs.2,000/- per month, which is an impossibility for him to pay, besides contending that it is exorbitant and excessive.

7. The learned counsel for respondent No.1 - wife would submit that the revision petitioner preferred C.M.A. when his request for grant of divorce was refused by the learned Judge.

8. Looking at the discussion made by the learned Judge, Family Court, as referred to in paragraph No.23 of the order, it appears that the revision petitioner deliberately suppressed certain facts as to his monthly earnings. In fact, the case of the revision petitioner is that not only he was working as Salesman, but he is a B.Com., graduate, preparing the accounts in various business centers, earning Rs.5,000/- per month, besides Rs.2,000/- towards salary as a

salesman. Therefore, the order under challenge, certainly, does not warrant interference as it does not suffer from any legal infirmity.

9. The Criminal Revision Case is, accordingly, dismissed, confirming the order, dated 09.07.2004, passed by the Judge, Family Court, Visakhapatnam in so far as M.C. No.5 of 2003 is concerned.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the criminal revision case, stand closed.

November 09, 2017.
Mgr

A. SHANKAR NARAYANA, J

