

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.2005 OF 2005

JUDGMENT:

The present Criminal Revision Case is filed by the revision petitioner - husband questioning the order, dated 20.09.2005, passed in M.C. No.60 of 2003, by the learned Judge, Family Court, Warangal, whereby and where-under, a sum of Rs.1,000/- was granted towards maintenance of respondent No.1 - wife.

2. Heard Sri Alladi Ravinder, learned counsel for the revision petitioner - husband, and Sri T. Damodar, learned counsel for respondent No.1 - wife.

3. The learned counsel for the revision petitioner would submit that the evidence on record would show that the revision petitioner is a retired person even by the date of filing the Maintenance Case, drawing a pension of only Rs.2,000/- and, therefore, awarding Rs.1,000/- towards monthly maintenance for respondent No.1 herein is arduous causing severe hardship as at the old age he has to meet the medical expenses and that this Court while granting interim stay, directed the revision petitioner to deposit Rs.500/- per month and, therefore, requests to reduce the maintenance amount awarded by the learned Judge, Family Court.

4. The learned counsel for respondent No.1 - wife would submit that, in fact, the revision petitioner was drawing pension, even according to the order, of Rs.3,000/- as per the case of the revision petitioner and, therefore, the amount of Rs.1,000/- awarded even then was on lower side and, therefore, sought to dismiss the criminal revision case.

5. Before the learned Judge, Family Court, respondent No.1 herein examined herself as PW.1, besides examining another witness as PW.2 and equally, the revision petitioner - husband examined himself as RW.1 and examined another witness as RW.2. Both parties did not file any documents.

6. Though, the revision petitioner herein claimed that he was getting monthly pension of either Rs.2,000/- or Rs.3,000/-, he has not chosen to file any documentary proof. A pensioner would be drawing the compensation through the bank nominated by him and there is no exception to him. In which case, he ought to have filed bank pass book entries evidencing the amount he was drawing towards pension. In fact, as could be seen from the cause title, he worked in Railways and, therefore, he was a Central Government Employee, getting Dearness Allowance. Hence, the amount of Rs.1,000/- granted by the learned Judge, Family Court, Warangal towards monthly maintenance to respondent No.1 - wife, by any stretch of imagination, cannot be

construed as excessive or exorbitant. There is no merit in the Criminal Revision Case.

7. The Criminal Revision Case is, accordingly, dismissed, confirming the order, dated 20.09.2005, passed in M.C. No.60 of 2003 by the learned Judge, Family Court, Warangal.

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

November 15, 2017.
Mgr

A. SHANKAR NARAYANA, J

