

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRL.R.C. No.20 OF 2014

JUDGMENT:

The husband is the present Revision Petitioner, who is respondent in F.C.M.C. No.23 of 2012 on the file of the Judge, Family Court, Kurnool. Aggrieved over the order, dated 01.08.2013, passed by the learned Judge, Family Court in the aforesaid M.C. filed by respondent Nos.1 and 2 herein under Section 125 of the Code of Criminal Procedure, 1973 (for short 'Code'), awarding monthly maintenance of Rs.10,000/- as against the claim of Rs.20,000/-, the revision petitioner - husband preferred the present Criminal Revision Case under Sections 397 and 401 of the Code.

2. Heard Sri T. Pradyumna Kumar Reddy, learned counsel for the revision petitioner and Sri M. Jagadish Kumar, learned counsel for respondent Nos.1 and 2.

3. Before the learned Judge, Family Court, on behalf of wife, she examined herself as PW.1 and marked Exs.A-1 to A-5 to substantiate her case, whereas on behalf of husband, he examined himself as DW.1, but no documents were filed.

4. It is a peculiar case, where the husband claims that he was working in Suguna Hatcheries and, thereafter, on account of complaint lodged by his wife for dowry harassment case, he was

terminated by the said company and virtually he was idle for a quite long time and, thus, expressed his inability to pay maintenance, besides taking the stand that the wife is not entitled to any maintenance as she voluntarily left his company.

5. The learned Judge, Family Court picking up the answers given by the husband in his cross-examination as RW.1 basing on the message given to the wife, to the effect that “Don’t try to compromise you and your family have done enough, I will never accept you anymore, nobody is allowed to touch the gate of my house”, and looking at various other factors, has arrived at the conclusion that the wife is entitled to separate living and, therefore, found favour with her on point No.1.

i) On point No.2, as against the claim of Rs.20,000/- made by the wife, deliberated in paragraph No.17 of the order, referring to various financial aspects relating to the family of the husband. What could be found from the answers given by RW.1 in his cross-examination is that his younger brother owned Honda Ascent Car; and even Ex.A-5, positive photograph of the house, in which the husband was living reflects that the house gives the picture of living of affluent people. In fact, the husband admits in his evidence that what all brought by the wife were taken back while leaving the matrimonial house including gold items weighing 15 tolas and cash of Rs.1,50,000/-. In fact, the husband himself stated in his counter that

parents of the wife at the time of marriage spent a sum of Rs.87,500/- towards function hall, Rs.51,000/- towards decoration; and Rs.2,19,458/- towards food, Rs.60,000/- for transportation, buses hired etc., The relevant amounts have been mentioned in paragraph No.18 of the order, which is unnecessary to refer to herein.

6. The learned Judge, thus, finally, found that it would be reasonable to award Rs.10,000/- towards maintenance keeping in view, the status of the parties, though, no definite income proof is produced by the wife, nor did husband has come up with any definite amount. It is clear that the husband is working as Sales Executive in Biotech System (India) Private Limited, and earlier he was working as Assistant Manager in Suguna Research and Development Organization, and during that period, he was earning considerable amount towards his salary, which is not in dispute. It is, therefore, clear that it is highly inconceivable that he keeps himself idle and depends upon his parents or his brother for his sustenance or living. Therefore, the amount of Rs.10,000/- awarded by the learned Judge cannot be viewed as excessive or exorbitant when kept in view, the status of the parties as could be seen from the evidence. Therefore, the findings are not infirm, nor there is any patent illegality warranting interference with the order passed by the learned Judge. There is no merit in the present Criminal Revision Case.

7. The present Criminal Revision Case is, accordingly dismissed.

As a sequel thereto, miscellaneous petitions, if any, pending in the present revision, stand closed.

A. SHANKAR NARAYANA, J

November 22, 2017.
Mgr

