

**HON'BLE DR. JUSTICE B. SIVA SANKARA RAO**

**CRIMINAL PETITION No.7731 of 2017**

**ORDER:**

Heard the learned counsel for the petitioner (Revision Petitioner in CrI.R.P.No.10 of 2017) who is the respondent in M.C.No.10 of 2015 on the file of the Judl. Magistrate of First Class, filed this Criminal Petition impugning the order, dt.11.11.2016 of the maintenance of Rs.10,000/- per month granted by the learned Magistrate in favour of his wife, and confirmed by the learned VI Addl.Sessions Judge, Anantapur at Gooty,dt.28.07.2018 in CrI.R.P.No.10 of 2017.

It is his contention that the impugned order awarding maintenance of Rs.10,000/- p.m. is unsustainable and baseless and without consideration of his gross and net salary and placed reliance on the expression of the Apex Court in **Dr.Kulbhushan Kumar Vs. Raj Kumari**<sup>1</sup>, where it was held that 25% of the husband's net salary would be just and proper to award as maintenance to the wife.

In fact, a perusal of the material on record, particularly Ex.P.2 salary certificate of July, 2016 shows the gross salary of the petitioner is more than Rs.38,000/- per month even taken the maintenance impugned herein is only 1/4<sup>th</sup> of the gross salary as on that date and now it is more than Rs.40,000/- which could be taken into consideration.

Having regard to the above, there is nothing to interfere with the order of the learned Magistrate but for nothing to show that there are other burdens to him other than maintenance of his wife, therefrom to grant 4 months to pay all arrears to say half of the arrears within two months and the balance within further two

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<sup>1</sup> (1970) 3 SCC 129

months. In case of failure of the first payment within two months, entire amount will be enforceable.

In the result, the Criminal Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

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**JUSTICE Dr. B.SIVA SANKARA RAO**

Date: 04.09.2017

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