

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL REVISION CASE No.2595 of 2017

ORDER:

Against the order, dated 22.08.2017 in M.C.No.70 of 2015 passed by the Additional Metropolitan Sessions Judge for the Trial of JHCBBC-cum-Additional Family Judge-cum-XXIII Additional Chief Judge, Hyderabad, whereby and whereunder, the petition filed under Section 125 of the Code of Criminal Procedure was allowed awarding monthly maintenance of Rs.10,000/- to petitioner No.1-wife and Rs.3,000/- to petitioner No.2, the present Criminal Revision Case is preferred by the respondent – husband.

Sri Syed Ahmed Ali, learned counsel for the revision petitioner, would submit that the monthly maintenance of Rs.10,000/- awarded to the wife of the revision petitioner is on higher side. Learned counsel would also submit that the revision petitioner, who earlier worked in Saudi Arabia and returned to India permanently, has no means to pay the monthly maintenance and, therefore, sought to reduce the monthly maintenance awarded by the Court below.

On the other hand, Sri Mohammed Zubair Akram, learned counsel for respondent Nos.2 and 3, would submit that the revision petitioner, in the cross-examination of PW.1, made certain admissions. Learned counsel also pointed out the observations made by the Court below in paragraph '8.3' of the order under challenge.

The relevant observations made in paragraph '8.3' of the order under challenge, which are pointed out by the learned counsel for respondent Nos.2 and 3, are that after returning from Saudi Arabia, the revision petitioner started business in electrical goods and he even made an admission that he was getting rental income of Rs.10,000/- to Rs.12,000/- per month and that, in his cross-examination, he admitted that he purchased a car to run the same as taxi, but he stated that he incurred loss thereon.

Be that as it may, when kept in view that the revision petitioner has been paying monthly rent of Rs.2,500/- and Rs.6,000/- towards monthly maintenance of his third wife, according to the answers given by him, it would be reasonable to reduce the monthly maintenance of Rs.10,000/-, awarded to the wife, to Rs.8,000/-, while maintaining the maintenance awarded to respondent No.3 herein.

Learned counsel for respondent Nos.2 and 3 would submit that the arrears of maintenance payable by the revision petitioner is more than Rs.2,50,000/- and, therefore, seeks a direction for payment of the said arrears of maintenance.

Learned counsel for the revision petitioner would fairly submit that if six months' time is granted to the revision petitioner for payment of arrears of maintenance, if any, then the revision petitioner would pay the same.

Hence, the present Criminal Revision Case is partly allowed reducing the monthly maintenance of Rs.10,000/-, awarded to the wife

of the revision petitioner, to Rs.8,000/-, while maintaining the monthly maintenance awarded to respondent No.3 herein. Further, the revision petitioner is granted four months' time to clear the arrears of maintenance.

Miscellaneous applications, if any pending in the present revision case, stand closed.

JUSTICE A.SHANKAR NARAYANA

24.11.2017

v v

