

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.3193 of 2016

ORDER:

While the revision is filed against the order of the learned Judge, Family Court, Warangal, dated 05-11-2016 in M.C.No.125 of 2013, that was filed under Section 125 of Cr.P.C., by the revision respondent claiming Rs.20,000/- per month, saying that the revision petitioner/M.C. respondent/ husband of the M.C. petitioner is earning a huge amount by running a jewellery shop. Same was opposed by the revision petitioner with contest in his counter that the respondent-wife is also working in Balaji Jewellery, C.P. Reddy Complex, Hanamkonda, that she herself left his company, that there is no neglect or refusal from his side but for she voluntarily left with, no just cause and is not willing to join and thereby she is not entitled to maintenance.

The lower Court with reference to said pleas and from evidence held that there is negligence and refusal of wife by the husband and the husband is bound to maintain his wife. So far as the claim is concerned, the lower Court awarded Rs.4,000/- per month to the wife by considering that the revision petitioner was earning, either as employee in the jewellery shop or otherwise Rs.7,000/- per month.

Heard both sides and perused entire material on record.

Taking into consideration of all these facts including from no proof of wife is earning, however, out of income of his earnings of Rs.7,000/- per month, maintenance of Rs.4,000/- per month to the wife is since high, it is reduced to a just sum of Rs.3,000/- per month from Rs.4,000/- per month by upholding the order of the lower Court in other respects and however by granting time of three (3) months to pay all the arrears within three (3) monthly installments from the date of receipt of a copy of this order in addition to the regular maintenance and legal expenses of Rs.5,000/- awarded in the impugned order by the lower Court.

Accordingly, the Criminal Revision Case is allowed in part. There shall be no order as to costs.

Miscellaneous Petitions pending consideration, if any, in the CrI.R.C. shall stand closed in consequence.

Dr. B. SIVA SANKARA RAO, J

March 21, 2017

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