

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL REVISION CASE No.413 OF 2011

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. assailing the order dated 22.12.2010 in M.C.No.101 of 2008 on the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar, Hyderabad.

2. On 07.09.2017 no representation on behalf of the petitioner; therefore, this Court posted the matter under the caption 'for dismissal' to today. Today also, no representation on behalf of the petitioner. Hence, this Court is inclined to dispose of the matter on merits.

3. For the sake of convenience, the parties will be hereinafter referred to as they were arrayed in the M.C. before the trial Court to avoid confusion.

4. The petitioner filed M.C.No.101 of 2008, under Section 125 Cr.P.C., seeking maintenance of Rs.5,000/- per month from the respondent. The case of the petitioner is that the respondent, who is her son, is not providing anything for her maintenance. It is the further case of the petitioner that her husband took voluntary retirement and died. The respondent filed counter *inter alia* contending that the petitioner is not entitled to claim maintenance from him as the petitioner is having other sons and daughters.

5. Before the trial Court, to substantiate the case, the petitioner examined herself as PW.1 and got marked Exs.P.1 to P.4. To

demolish the case of the petitioner, the respondent examined himself as RW.1 and got marked Exs.R.1 and R.2.

6. Basing on the oral, documentary evidence and other material available on record, the trial Court arrived at a conclusion that the respondent intentionally and wilfully neglected to provide maintenance to the petitioner and allowed the petition in part by granting maintenance of Rs.1,000/- per month to the petitioner. Hence, the revision.

7. Now the point that arises for consideration is:

Whether there is any illegality, irregularity or impropriety in the order of the trial Court, which warrants interference of this Court or not?

8. It is not in dispute that the respondent is the son of the petitioner. A perusal of the record reveals that the petitioner is having other sons and daughters. The record further reveals that the respondent has been working as Superintendent in the office of the Assistant Director, Mines and Geology, Miryalaguda, Hyderabad. There is a moral and social obligation on the part of the sons to provide maintenance to their parents. The petitioner is aged about 68 years by the time of filing the petition. Absolutely there is no material on record to establish that the petitioner is having immovable property or any other source of income. It is the duty of the son to provide reasonable amount to the mother towards maintenance. A perusal of Ex.R.1 clearly reveals that the respondent is drawing a gross salary of Rs.21,375/- and net salary of Rs.13,925/- per month. A perusal of Exs.P.1 to P.4 reveals that

the petitioner is taking treatment in different hospitals. The trial Court also made an observation that the petitioner is having other sons and daughters. Taking into consideration the oral and documentary evidence available on record, the trial Court granted maintenance of Rs.1,000/- per month to the petitioner. It is needless to say that the scope of Section 397 Cr.P.C. is very limited. If there is any illegality or irregularity in the orders of the Court below, this Court can interfere with the same while exercising the jurisdiction under Section 397 Cr.P.C. A perusal of the record reveals that the trial Court has taken into consideration the income of the respondent and granted an amount of Rs.1,000/- per month to the petitioner. An amount of Rs.1,000/- per month is hardly sufficient for sustenance of an individual in view of prevailing price index. The findings recorded by the trial Court are supported by oral and documentary evidence. I am fully endorsing with the findings recorded by the trial Court. There is no illegality or irregularity in the order of the trial Court, which warrants interference of this Court while exercising the revisional jurisdiction under Section 397 Cr.P.C. Hence, the revision lacks merits and *bona fides*.

9. Accordingly, the Criminal Revision Case is dismissed. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Revision Case shall stand closed.

T.SUNIL CHOWDARY, J

Date: 14.09.2017

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