

**THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA**

**CRIMINAL REVISION CASE No.119 of 2014**

**ORDER:**

Against the order, dated 10.07.2012, passed in M.C.No.227 of 2010 by the Judge, Family Court at Vijayawada, granting maintenance of Rs.2,000/- per month to petitioner No.1 and Rs.500/- per month to each of petitioner Nos.2 to 4 from the month of July, 2012, the petitioners, having got dissatisfied, filed the present Criminal Revision Case.

Heard Sri P. Sree Vyas, learned counsel for Sri K.S. Murthy, learned counsel for the petitioners, and Smt. Rubina Banu, learned counsel for Sri V. Venkata Subramanyam, learned counsel for respondent No.2.

Though, the learned counsel for the petitioners tried to impress upon this Court by referring to the averments made in the petition filed by the petitioners under Section 125 of the Code of Criminal Procedure, 1973, as to the source of income of respondent No.2 herein, but the fact is that petitioner No.1, except examining herself as PW.1, has not chosen to file any documentary evidence to substantiate the stand she has taken in the petition as to the source of income of respondent No.2 herein. Respondent No.2 herein also examined himself as RW.1. Of course, the entire burden rests on the petitioners to affirmatively prove the income of respondent No.2 and also the source of his income, which is not done in the present case. For this reason, the Judge, Family Court, was

constrained to pass the aforesaid order by granting the amounts as mentioned in the above. In such an event, certainly, it cannot be said that the order under challenge passed by the Judge, Family Court, suffers from any legal infirmity. Therefore, there is no merit in the present Criminal Revision Case.

The Criminal Revision Case is, accordingly, dismissed. However, it is left open to the petitioners to seek enhancement of maintenance amount by producing documentary evidence showing the income of respondent No.2 and also the source of his income.

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

07.11.2017

v v

**JUSTICE A.SHANKAR NARAYANA**

