

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.62 OF 2014

JUDGMENT:

The present Criminal Revision Case is preferred by the revision petitioners i.e., wife and children of respondent No.1 – husband, aggrieved by the order dated 23.04.2013 in M.C. No.97 of 2011 by the learned Judge, Family Court - cum - Additional Chief Judge, Secunderabad, on the ground that the amount of Rs.1,000/- awarded towards monthly maintenance to each of the revision petitioner is totally inadequate.

2. Though, the present revision case is coming up since 2014, on one occasion, there was a request which was on 06.11.2017, to adjourn the matter. Later, there was no representation, and, therefore, posted to today under the caption 'for orders', but, today also, again there is no representation during forenoon session.

3. In the grounds of appeal, it is stated that respondent No.1 - husband, in his cross-examination, admitted that he has been doing business as shown in Ex.B-5, but the learned Judge, somehow, wrongly held that there is justification on the part of respondent No.1 in living separately, which is unnecessary for deciding the matter, and, in fact, she was in dejected condition due to the actions of respondent No.1, and, such was not in a condition to get a job to take care of revision petitioner Nos.2 and 3 and she worked nine years back, but,

now not in a position to do any job and the learned Judge, Family Court, wrongly came to a conclusion by failing to understand the purport of her evidence and the amount of Rs.1,000/- granted would not be sufficient to meet the maintenance for paying school fee, rental charges and other miscellaneous charges.

4. What weighed with the learned Judge, Family Court, appears to be that PW.1 admitted that ICICI Bank used to pay Rs.5,000/- to Rs.10,000/- towards her salary and also admitted that she worked in HDFC Bank and Docomo for sometime and thereby opined that she has experience to earn some money by virtue of her working in three different organisations and that appears to have limited the award of maintenance to Rs.1,000/- per month. But, such opinion of the learned Judge, Family Court, apparently appears to be incorrect.

5. What is required to be seen is whether the wife, revision petitioner No.1, has been or was working on the date when the application was filed seeking maintenance. It is clear from the findings recorded by the learned Judge, Family Court, that on the date when she filed the M.C., she was unemployed. It is no doubt true, respondent No.1 put-forth that he has arranged auto-rickshaw for taking the children to the school and looking after their welfare, but, there is no concrete evidence except certain documents, which are receipts and the medical certificate issued by Dr. Indira Sabapathy,

Children's Specialist and Neonatologist, dated 09.07.2013. At any rate, it is really strange and un-understandable as to how Rs.1,000/- per month to each of the revision petitioners would suffice to meet both ends and that itself would speak that the order is infirm and requires modification.

6. Therefore, the monthly maintenance is enhanced to Rs.5,000/- (Rupees five thousand only) to each of the revision petitioners from Rs.1,000/- granted by the learned Judge, Family Court.

7. Accordingly, the Criminal Revision Case is allowed in part modifying the order under challenge, at the admission stage itself.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present revision case stand closed.

A. SHANKAR NARAYANA, J

November 30, 2017.
PV