

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.51 OF 2014

JUDGMENT:

The present Criminal Revision Case is filed by the respondent - father in M.C. No.86 of 2012 on the file of the learned Judge, Additional Family Court, Hyderabad, under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short 'Code'), aggrieved over the order, dated 16.11.2013, passed by the learned Judge in M.C. No.86 of 2012, whereby and where-under, a sum of Rs.2,000/- and Rs.1,800/- to petitioner Nos.1 and 2 - children, respectively, was awarded towards their monthly maintenance from the date of petition till they attain majority, in an application filed under Section 125 of the Code.

2. Though, the present Criminal Revision Case is filed in the year 2014, it is being adjourned from time to time and there was no representation at all for the revision petitioner even till 06.11.2017. Therefore, again it was listed today. Today also, there was no representation for the revision petitioner in the forenoon session. Hence, the matter is directed to call at 2.30 p.m. Even at 2.30 p.m., there is no representation for the revision petitioner.

3. The order of the learned Judge is perused. There is a categorical admission made by the revision petitioner as RW.1, in his cross-examination that the maintenance and welfare of both the

petitioners in MC is being looked after by PW.1 after the death of wife of the revision petitioner. He even admitted that he has not paid any maintenance to the children despite the direction given by the learned Judge in Crl.M.P. No.10 of 2012 awarding Rs.1,500/- towards monthly interim maintenance to each of the petitioners therein. In fact, respondent Nos.1 and 2, who are petitioners in the aforesaid MC, claimed through their maternal grandfather a sum of Rs.3,500/- towards maintenance to each of them. The source of income is that the petitioner here was deriving a rent of Rs.12,000/- per month at Purani Haveli, Hyderabad, and even the order shows that the revision petitioner was doing painting.

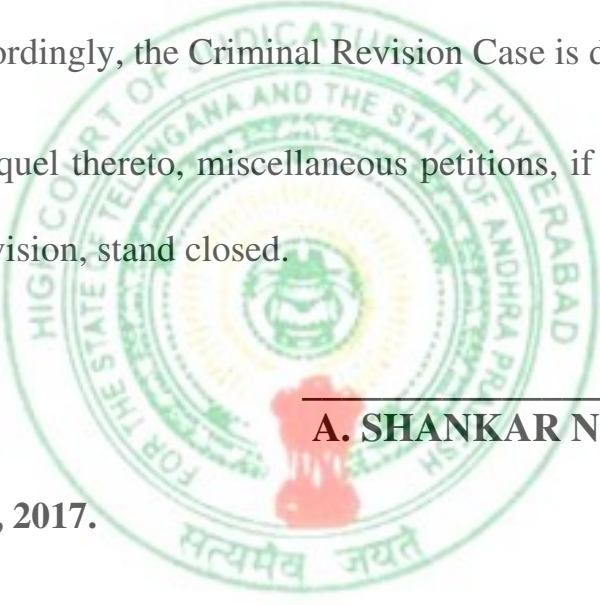
4. Therefore, the order does not warrant any interference as there is no illegality to set aside the order as sought for by the revision petitioner in the grounds of revision. The grounds agitated are not sustainable grounds at all. As what all he says is, he expresses his readiness and willingness to take the custody of the minors and bring them up as per his financial status.

5. As much as the amounts of monthly maintenance awarded by the Court below are Rs.2,000/- towards maintenance of petitioner No.1 and Rs.1,800/- towards maintenance of petitioner No.2 in the application filed under Section 125 of the Code as against he claim of Rs.3,500/- to each of the petitioner towards their monthly maintenance till they attain majority, the amounts cannot be construed

as excessive or exorbitant, more particularly, when viewed in the light of the admissions made by RW.1 in his cross-examination that PW.1, who is maternal grand father alone was looking after the maintenance and welfare of the petitioners after the death of his wife and he has not paid any maintenance to them though, he was directed to pay Rs.1,500/- each towards interim maintenance as ordered by the trial Court in M.P. No.10 of 2012 in the said M.C. Thus, there is no merit in the present revision.

6. Accordingly, the Criminal Revision Case is dismissed.

As a sequel thereto, miscellaneous petitions, if any, pending in the present revision, stand closed.



A. SHANKAR NARAYANA, J

December 04, 2017.

Mgr/PV