

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRL.R.C. No.2960 OF 2017

JUDGMENT:

The revision petitioner - husband preferred the present Criminal Revision Case under Sections 397 and 401 of the Code of Criminal Procedure, 1973, questioning the order, dated 23.09.2017, passed in M.C. No.39 of 2016 by the learned Judge, Family Court, Warangal, whereby and where-under, the learned Judge awarded a sum of Rs.2,000/- to respondent No.1 - wife and Rs.1,000/- to respondent No.2 - son towards their monthly maintenance from the date of petition, with a further direction to continue to pay the same on or before 5th of every succeeding month.

2. Heard Sri P. Nagendra Reddy, learned counsel for the revision petitioner.

3. The learned counsel would submit that the revision petitioner is a JCB driver, his earnings are only Rs.5,000/- per month, that too it is a seasonal work and whenever work is provided, he would be getting Rs.5,000/- per month. But, normal tendency of husband in maintenance case would be to project a meager amount as the monthly earnings. The amounts of Rs.2,000/- and Rs.1,000/- awarded by the learned Judge basing on evidence of PWs.1 and 2 and RWs.1 and 2, by any stretch of imagination, cannot be construed as exorbitant or excessive. It is even difficult for respondent Nos.1 and 2

to maintain themselves with the amounts awarded by the learned Judge, when kept in view, the present day cost of living. There is no merit in the Criminal Revision Case.

4. So far as the arrears of maintenance amount is concerned, even the order to pay the maintenance from the date of petition cannot be faulted as the wife and son are entitled from such date for their maintenance. But, however, the revision petitioner is permitted to pay the arrears of maintenance amount in two equal installments of two months each, the first commencing from today.

5. The present Criminal Revision Case is, accordingly dismissed with the aforesaid observation.

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

A. SHANKAR NARAYANA, J

November 22, 2017.

Mgr