

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.2661 OF 2017

JUDGMENT:

The present Criminal Revision Case is preferred by respondent - husband in F.C.M.C. No.41 of 2016, on the file of the learned Judge, Family Court - cum - Additional District Judge, Anantapuram, under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short 'Code') challenging the order of monthly maintenance of Rs.5,000/- awarded to respondent No.1 - wife in an application filed under Section 125 of the Code in the aforesaid case.

2. The aforesaid order was passed on 09.08.2017, by the learned Judge, Family Court, directing the revision petitioner herein to pay the monthly maintenance of Rs.5,000/- from the date of petition and to tender it on or before 5th of every succeeding month. The learned Judge also stipulated three months time, within which the arrears of maintenance at the rate of Rs.5,000/- per month ought to be cleared.

3. Heard Ms. S.L. Silpa, learned counsel, representing Sri P. Nagendra Reddy, learned counsel for the revision petitioner, and Sri V. Ram Mohan Reddy, learned counsel, representing Sri Maheswara Rao Kunchem, learned counsel for respondent No.1.

4. The learned Judge by appreciating the evidence of PWs.1 and 2 and RW.1, observing that the husband has not placed any material, more particularly, by examining the owner of Kirana Shop under whom he alleged to have been working as a Clerk, arrived at the finding that it would be reasonable to award a sum of Rs.5,000/- towards monthly maintenance and, accordingly, ordered it.

5. It is true, there is no documentary evidence adduced by either side though, respondent No.1 - wife, at one stage, claimed that the revision petitioner has been doing real-estate business even, and on the other hand, the revision petitioner has not even filed any documents to show that he has been receiving such and such amount working as Clerk in a Kirana Shop, nor did he examine the owner of the Kirana Shop. The claim was laid for payment of Rs.20,000/- per month.

6. Though, the learned counsel for the revision petitioner would submit that wife is a Graduate and there are prospects of getting a job and sustaining herself, but, the learned counsel for respondent No.1 - wife, *per contra*, would submit that she studied 10th Class. It appears that the wife studied 10th Class as could be seen from paragraph No.10 of the order.

7. When kept in view, the spiraling prices of all essential commodities, the cost of living in the present days, the amount of

Rs.5,000/- awarded towards monthly maintenance by the learned Judge cannot be faulted, as it would be the tendency of husband in a maintenance case to show less income as much as possible to evade payment of maintenance amount claimed by wife. Keeping in view, the present day cost of living, it cannot be said that the amount of Rs.5,000/- awarded is on higher side. Thus, there is no merit in the present Criminal Revision Case.

8. Accordingly, the Criminal Revision Case is dismissed.

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

December 18, 2017.
Mgr

A. SHANKAR NARAYANA, J

