

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Criminal Revision Case No.3202 of 2017

JUDGMENT:

The present Criminal Revision Case is preferred by the respondent-husband in M.C. No.233 of 2013 on the file of the Judge, Family Court, Rangareddy District at L.B. Nagar, questioning the order dated 9.11.2017 in awarding monthly maintenance of Rs.10,000/- each to the petitioners 2 and 3, while dismissing the claim of the 1st petitioner-wife.

2. Learned counsel for the petitioner, Sri Moshe Marpu, would submit that the Court below, while dismissing the claim of the 1st petitioner as she has been working and earning, granted Rs.10,000/- each to the respondents 2 and 3, who are aged about 7 and 5 years respectively, which is exorbitant as nothing is brought on record as to the expenses, the 1st petitioner in Maintenance Case, has been incurring towards the petitioners 2 and 3, and, therefore, the first petitioner-wife in Maintenance Case is an employee and capable of maintaining the petitioners 2 and 3.

3. Perused the order passed by the learned Judge, Family Court, and the material available on record.

4. At the outset, it is to be mentioned that the revision petitioner went to the extent of denying the paternity of the 3rd respondent, which lead to conducting D.N.A. test on the 3rd respondent, a small child of two years, and the test result stood against the stand taken by the revision petitioner. In such an event,

certainly, the allegation of the nature seeking DNA test and getting it conducted would itself has to be viewed as a reckless and scandalous allegation being mentioned by the petitioner.

5. The 1st petitioner-wife in maintenance case admitted in her cross-examination that she has been working as teaching Assistant in Holy Mary Institute & Engineering Technology earning Rs.15,000/- per month. However, in the present Revision she is not arrayed as party at all. In fact, the cause title ought to be reproduced in the present Revision irrespective of the fact that the 1st petitioner in Maintenance Case was not claiming any maintenance, but having shown her name as the 1st respondent and mentioning that she is not a necessary party for the purpose of adjudication of the controversy in the present Revision. It appears, Registry has not taken any objection.

6. Turning to the first submission of the learned counsel for the revision petitioner that what all the revision petitioner-husband derives towards net income has been only Rs.42,000/-, and, therefore, awarding total amount of Rs.20,000/- to the respondents 2 and 3, would amount to leaving only Rs.22,000/-, with which the revision petitioner cannot maintain himself by meeting various expenses towards shelter, clothing and food.

7. A perusal of the pay slip of the revision petitioner-husband filed along with material papers shows that he was drawing Basic Pay of Rs.1,43,300/-, Gross Pay of Rs.1,79,487/-, and deductions are Rs.1,16,685/-. Deductions shown in the pay slip are Rs.200/- towards Profession Tax, Rs.40,865/- towards Income Tax at

source i.e., Tax + Cess, Rs.75,000/- towards GPF/NPS contribution, Rs.120/- towards Group Insurance Scheme and Rs.500/- towards CGHS. The local deductions would show that towards CCS Recovery a sum of Rs.18,263/-, Rs.20/- towards Welfare Subscription, Rs.50/- towards Benevolent Fund and Rs.4/- towards Regimental Recovery and Rs.1,693/- towards LIC Recovery, making a total sum of Rs.20,030/-. Against pay slip deductions, an amount of Rs.75,000/- towards GPF contribution is working out to the tune of around 40%, which does not account for compulsory deduction as there is no mention about recovery of GPF loan, if any, and at his option he can reduce the amount from Rs.75,000/- to the minimum percentage of deduction. In such an event, certainly, the amount of Rs.10,000/- each granted to the respondents 2 and 3 by the Court below cannot at all be construed as on higher side .

8. Thus, there is no merit in the present Criminal Revision Case and is, therefore, dismissed at the stage of admission itself.

As a sequel there to miscellaneous petitions, if any, pending in the present Criminal Revision Case shall stand closed.

A. SHANKAR NARAYANA, J

December 13, 2017.

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