

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.3138 OF 2017

JUDGMENT:

The Present Criminal Revision Case is preferred against the order dated 29.6.2017, in F.C.M.C. No.21 of 2014 on the file of Judge, Family Court-cum-Additional District & Sessions Judge, Karimnagar, whereby and whereunder the application filed under Section 125 of Criminal Procedure Code, 1973 (for short, 'Cr.P.C.') the monthly maintenance of Rs.5,000/- so far as the 1st petitioner is concerned and Rs.2,500/- so far as the 2nd petitioner is concerned was awarded.

2. Heard Sri P. Sajan Kumar, learned counsel for the petitioner. He would submit that the 2nd respondent-wife is postgraduate and she is working as a Teacher, and the Court below has overlooked that fact.

3. The revision petitioner-husband was working as Software Engineer. It is not disputed even in paragraph-14 of the order, the learned Judge, Family Court, has mentioned that the revision petitioner was earning Rs.50,000/- per month. In fact, to counter the said allegation he ought to have filed his pay slip, if at all, he is drawing less than that amount towards his earnings. On the other hand, respondent-husband in F.C.M.C. claims that the 1st petitioner-

wife is a postgraduate and working as Teacher. He ought to have placed some material to condemn the plea taken by the wife, which, he has not done. As many as four witnesses were examined on behalf of the wife and Exs.P1 and P2 were marked; whereas the respondent-husband himself stepped into witness-box and examined as R.W.1. Ex.P1 is the certified copy of the order in FCOP No.125 of 2013 on the file of the very same Court, dated 8.3.2014 and Ex.P2 is the Birth Certificate of the 2nd petitioner. The paternity is not in dispute.

4. No doubt, divorce was obtained by the wife, but the law is well settled that till she marries she is entitled to maintenance from the husband.

5. Nothing more is required to hold that there is no merit in the present Criminal Revision Case and, the Revision Case, is, therefore dismissed. In case, the revision petitioner-husband is able to establish that the 2nd respondent-wife is doing some job, it is open to him to avail remedy available under the provisions of the Criminal Procedure Code.

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

A. SHANKAR NARAYANA, J

Dt. 07.12.2017
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