

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.3227 of 2017

ORDER:

The present Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short, 'the Code') questioning the order, dated 28.08.2017, passed in CrI.M.P.No.169 of 2014 in FCMC.No.114 of 2004 by the IV Additional District Judge-cum-Family Court, Kurnool, whereby and whereunder, an application filed under Section 127 of the Code was partly allowed enhancing the monthly maintenance amount from Rs.3,000/- to Rs.5,000/- so far as the wife is concerned, and from Rs.2,000/- to Rs.6,000/- so far as the daughter is concerned.

Heard Sri K. Narasimha Reddy, learned counsel for Sri K. Kishore Kumar, learned counsel for the revision petitioner, and the learned Special Assistant Public Prosecutor for the State of Andhra Pradesh appearing for respondent No.3.

Earlier, in Maintenance Case, the wife and daughter were granted Rs.500/- and Rs.400/-, respectively, and later in O.P.No.114 of 2004, the said amounts were enhanced to Rs.2,000/- and Rs.1,000/-, respectively. Subsequently, in similar petition, the maintenance amounts were further enhanced to Rs.3,000/- and Rs.2,000/- respectively. Further enhancement to Rs.5,000/- and Rs.6,000/-, respectively, has been done by the order under challenge.

Learned counsel for the revision petitioner would submit that the enhancement of monthly maintenance made by the learned Judge,

Family Court, is beyond proportion and that the petitioner has dependent mother and most of his salary is being cut towards deductions. Learned counsel would further submit that the petitioner is working as Record Assistant in Zilla Parishad, drawing a gross salary of Rs.33,000/- per month, and after deductions, he is getting net salary of Rs.19,000/- and odd and, therefore, seeks to reduce the maintenance amounts.

The law is well settled that where the maintenance amount is awarded, it should not exceed $\frac{1}{3}^{\text{rd}}$ of the salary. When the same is kept in view, and also keeping in view, the spiralling prices of essential commodities, the cost of living and also the expenditure towards education, medical care, shelter etc., required by the daughter, as she is reaching her prime youth, certainly, it cannot be said that the amounts of Rs.5,000/- and Rs.6,000/- granted to the wife and daughter, respectively, by way of enhancement by the Judge, Family Court, are exorbitant and, therefore, the order under challenge does not suffer from any legal infirmity. There is no merit in the present Criminal Revision Case.

The present Criminal Revision Case is, therefore, dismissed.

Miscellaneous Petitions, if any, pending in the present revision case, stand closed.

A. SHANKAR NARAYANA, J

14.12.2017

v v