

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.3072 OF 2017

JUDGMENT:

The present Criminal Revision Case is preferred by respondent - husband in M.C. No.50 of 2014, on the file of the learned Judge, Family Court, Ranga Reddy District at L.B. Nagar, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, questioning the order, dated 07.09.2017, whereby and where-under, a sum of Rs.10,000/- was awarded towards monthly maintenance to respondent No.1 - wife from the date of petition.

2. Heard Sri T. Ramachandra Murthy, learned counsel for the revision petitioner and the matter is taken up for disposal at the admission stage itself as the Court felt that there is no need to issue notice to respondent No.1 - wife.

3. The learned counsel would submit that the revision petitioner, soon after the marriage since his father died on the next day of taking place of the marriage, has given up his Job and he is sitting idle, and the allegations mentioned by respondent No.1 - wife in her petition in Maintenance Case that he was earning Rs.70,000/- per month, working as Software Engineer is incorrect. He would also submit that on the other hand respondent No.1 - wife is gainfully employed and earning Rs.35,000 - 40,000/- per month by doing Medical Transcription Work from home. He would submit that the

learned Judge, at the inception stage in an application filed for grant of interim maintenance by the wife, granted only Rs.5,000/-, but without assigning any reasons, but, now, awarded Rs.10,000/- and the revision petitioner was never in arrears and he has been paying Rs.5,000/- per month granted towards interim maintenance by the learned Judge. These have been the submissions made by him.

4. It is true, that no documentary evidence is forthcoming from the side of the revision petitioner - husband. On behalf of respondent No.1 - wife, she filed only Exs.P-1 to P-3, which are wedding invitation card, marriage photographs with C.D. and certified copy of FIR in Crime No.676 of 2013 of Medipally Police Station, besides examining herself as PW.1.

5. When the husband states that the wife is doing Medical Transcription Work from home, earning Rs.35,000/- to Rs.40,000/- per month, it is not that difficult for a Software Employee to secure some material in the form of work from home and to prove the same. Nothing was done by him. It is also unbelievable and inconceivable that the husband would be sitting idle by giving up his profession as Software Engineer because of death of his father. The very payment of Rs.5,000/- every month made itself would indicate and give rise to a probability that what has been stated by the husband is incorrect when oath against oath is occurring. Therefore, it is to be held that there is no merit in the present Criminal Revision Case.

6. Accordingly, the Criminal Revision Case is dismissed, confirming the order of maintenance awarded by the learned Judge, Family Court in the aforesaid M.C.

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

A. SHANKAR NARAYANA, J

December 18, 2017.
Mgr

