

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.3093 of 2017

ORDER:

The present Criminal Revision Case is filed against the order dated 05.10.2017 in M.P.No.126 of 2017 in M.C.No.74 of 2016 on the file of the Judge, Family Court at Secunderabad, whereby and whereunder, interim maintenance of Rs.4,000/- was awarded to the wife.

Smt. M.S.V.S.Sudha Rani, learned counsel for the revision petitioner, would submit that respondent No.1-wife deliberately did not properly mention the name of the Organization in which the revision petitioner is working and she has stated that the revision petitioner is working in a Co-operative Society Bank, though, he was working in a Co-operative Credit Society. Learned counsel would also submit that the revision petitioner was drawing a sum of Rs.15,000/- per month as consolidated pay.

The salary certificate, dated 09.11.2017, issued by Adavivaram Co-operative Credit Society Limited, does not spell out the deductions and, in fact, the law is well settled that only statutory deductions are to be excluded, but not all deductions.

Learned counsel for the revision petitioner would submit that the revision petitioner contracted loans for performing the marriages of his daughters and most of the amounts are being deducted towards

discharge of loans, but, the details are not mentioned in the said certificate and that what all he gets is only Rs.10,000/- per month.

When the revision petitioner intends to strongly resist the award of Rs.4,000/-, he is obligated with the duty to file pay certificate showing all relevant details, which is not done by him. The proof of the contents of the certificate of the nature now said to have issued by the Secretary of Adavivaram Co-operative Credit Society Limited, can only be examined in the Maintenance Case. When viewed in that perspective, the award of Rs.4,000/- per month cannot be construed as excessive, as the wife, whose age is shown as 53 years in the cause title, is also at her old age. Therefore, there is no merit in the present revision case.

The present Criminal Revision Case is, accordingly, dismissed. However, it is made clear that the observations made in the above would not come in the way of disposal of the main Maintenance Case and the learned Judge, Family Court, is hereby directed to dispose of the Maintenance Case, uninfluenced by any of the observations made herein, in the light of the evidence that would be adduced in the main case.

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

A. SHANKAR NARAYANA, J

05.12.2017

v v