

THE HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE NO. 605 OF 2011

ORDER:

The present Criminal Revision Case is filed challenging the orders passed in M.C.No.18 of 2009 dated 19.1.2011 on the file of the Judge, Family Court-cum-V Additional District Judge, Tirupati, in awarding a sum of Rs.1,000/- p.m. each to respondent Nos. 1 and 2 towards maintenance.

2. The facts in brief are that respondent Nos. 1 and 2 filed M.C.No.18 of 2009 against the petitioner claiming a sum of Rs.3,000/- p.m. each towards maintenance. It is the case of respondent No.1 that she is the legally wedded wife of the petitioner. Their marriage was performed on 11.3.2001 as per Hindu rites and customs. Out of the wedlock, they were blessed with respondent No.2. Subsequent to the marriage, the petitioner started demanding additional dowry of Rs.50,000/- from the parents of respondent No.1. When she expressed her inability, she was beaten up by the petitioner at the instance of his mother and brother and they took all her gold ornaments. In fact, the petitioner got addicted to bad vices. Since disputes arose, she joined her parents and started living with them and she was constrained to file maintenance case. Respondent No.1 has categorically stated that the

petitioner is having agricultural lands and getting an income of Rs.3 lakhs per annum and also by doing seasonal business, he is getting Rs.10,000/- p.m., apart from Rs.20,000/- p.m. on money lending business.

3. The petitioner filed counter denying the material allegations made in the maintenance case and contended inter-alia that he neither demanded additional dowry nor harassed respondent No.1. In fact, after the settlement made by the Police in the counselling, they have put up separate family at Tirupathi. He further stated that he has no obligation to maintain respondent Nos. 1 and 2 as they are not his wife and son. In fact, the documents produced by respondent No.1 along with maintenance case are all manipulated and fabricated one.

4. In order to substantiate their contentions, the petitioner examined himself as RW1 and got marked Exs.D1 and D2 i.e., photocopy of house hold card and endorsement of Tahsildar of Piler Mandal dated 13.8.2010. On behalf of respondents, PW1 to PW3 were examined and Exs.P1 and P2 were marked.

5. The learned Judge, Family Court, after hearing the parties and after appreciating the evidence on record, allowed the maintenance case in part by orders dated 19.1.2011 awarding a sum of Rs.1,000/- p.m. each to respondent Nos. 1 and 2

towards maintenance. Aggrieved by the same, the present Criminal Revision Case is filed.

6. From the perusal of the material on record, particularly, the impugned order, the admitted facts are that respondent No.1 herein is the legally wedded wife of petitioner No.1. Out of the wedlock, they were blessed with respondent No.2. The harassment for additional dowry and the frequent interference by the mother and brother of the petitioner, led to separation of petitioner and respondent No.1. Consequently, maintenance case was filed.

7. The evidence of PWs 1 and 2 coupled with Exs.P1 and P2 i.e., wedding card and election voter ID card respectively, clearly establish that the petitioner herein is the husband of respondent No.1. Their marriage was performed on 11.3.2001. Out of the wedlock, they were blessed with respondent No.2. Ex.D1 produced by the petitioner to show that respondent No.1 is not his wife, cannot be relied upon for the simple reason that the said card was issued on 20.9.2006, by which time, respondent No.1 has already left the house of the petitioner. Similarly, Ex.D2 also does not help the petitioner for the reason that respondent No.1 was not in Regallu village during the year 2010.

8. Now coming to the quantum of maintenance, respondent No.1 has categorically stated that petitioner is getting an amount of Rs.3 lakhs per annum from agriculture apart from Rs.10,000/- by doing seasonal business and Rs.20,000/- on money lending business. Though the petitioner has taken a specific stand in the counter that he is having half acre of dry land and in his evidence stated that he is earning Rs.150/- per week by doing coolie work, at any stretch of imagination, the same cannot be believed for the reason that he has not produced any evidence. In fact, the petitioner has not come forward with placing the correct information before the Court by producing necessary documents to establish as to what is the total extent of land owned by him by producing the relevant revenue documents. However, for the reasons best known to him, he has not produced the same. Therefore, an adverse inference is drawn against the petitioner for not producing the best evidence available with him.

9. Be that as it may, learned Judge, Family Court, after appreciation of the evidence, fixed the maintenance @ Rs.1,000/- p.m. each to respondent Nos. 1 and 2. Looking at the cost of living and the rate of inflation, this Court is the opinion that there is no irregularity or illegality in the order passed by the learned Judge, Family court.

10. Accordingly, there are no merits in the Criminal Revision Case and the same is dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed.

P. KESHAVA RAO,J

Date: 28.9.2018

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