

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL REVISION CASE NO.174 OF 2018

ORDER:

This revision is filed by the petitioner-husband under Sections 397 and 401 Cr.P.C. aggrieved by the order, dated 30.11.2017 in M.C.No.26 of 2014 on the file of the Family Court-cum-IX Addl. District and Sessions Court, Rajamahendravaram, wherein maintenance of Rs.15,000/- per month was granted to the 2nd respondent-wife.

2. Heard learned counsel for the petitioner. Though notice is served and vakalat is filed on behalf of the 2nd respondent, no assistance is rendered. However, the matter can be disposed of on merits.

3. Learned counsel for the petitioner would submit that granting of maintenance of Rs.15,000/- per month to the 2nd respondent is highly excessive. The petitioner is a diabetic patient. He incurred lot of medical expenses. The Court below had not taken into consideration the monthly income and other necessities of the petitioner and granted excessive maintenance. The 2nd respondent has financial source. She owns a Poultry farm and earns Rs.80,000/- per month. Those earnings should have been taken into consideration and ultimately, prayed to set aside the impugned order.

4. In view of the circumstances narrated, the point for determination is whether the impugned order can be varied?

5. As per the material on record, the 2nd respondent is the legally wedded wife of the petitioner. The 2nd respondent was neglected by the petitioner, she was necked

out from the house and she was not provided any maintenance amount. Though 2nd respondent-P.W.1 admitted that she was having a Poultry farm and a car in the year 2002, she discontinued the business and she has no earnings and capacity to maintain herself. As per the evidence of P.W.1, she was doing Poultry farm business till 2002. Thereafter, she has no business and she is unable to maintain herself. The petitioner is a retired Chief Engineer. He is entitled for medical reimbursement. As per record, he is drawing monthly pension of Rs.40,000/-. The respondent-wife also reached advance stage. She is incapable of doing any work. The court below, after analyzing entire evidence on record, awarded monthly maintenance @ Rs.15,000/-. The finding are based on proper appreciation of the evidence on record. There is no miscarriage of justice. The revision is devoid of merit and is liable to be dismissed.

6. Accordingly, the Criminal Revision Case is dismissed. Miscellaneous petitions, if any pending in this Revision shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 17-04-2018.

Hsd