

HON'BLE SRI JUSTICE P. KESHA VA RAO

Criminal Revision Case No.1378 of 2005

ORDER:

Heard the learned counsel for the petitioner.

The present criminal revision case is filed against the order dated 01.08.2005 passed in CrI.M.P.No.16 of 2005 in M.C.No. 9 of 1989 on the file of the Judge, Family Court, Secunderabad, enhancing the maintenance from Rs.350/- per month to Rs.1,000/- per month.

The brief facts of the case are that the petitioner herein is the legally wedded wife of the first respondent. Their marriage was performed on 02.12.1987 at Hyderabad. After the marriage, the first respondent started treating the petitioner indifferently. Subsequently, the petitioner was necked out from the matrimonial house of the first respondent. In those circumstances, the petitioner filed M.C.No.9 of 1989 on the file of the Court of the XI Metropolitan Magistrate, Secunderabad. The learned Family Judge, after considering the case and appreciating the evidence, by order dated 08.06.1990 awarded a sum of Rs.350/- per month towards maintenance. Again in the years 2005, the petitioner filed CrI.M.P.No.16 of 2005 under Section 127 Cr.P.C. seeking enhancement of maintenance from Rs.350/- to Rs.2,000/-. In the petition, the petitioner has stated that she is staying in her brother's house at their mercy with the meager maintenance amount as ordered by the Court. Since the cost of living has been increased and the rate of inflation also gone up as well as the prices of the

commodities has been increased day-to-day, the petitioner was finding it difficult to maintain herself with Rs.350/- per month. On the other hand, the first respondent filed counter denying the allegations made in the petition and contended that he is drawing Rs.5,176/- per month after deductions. In fact, after taking divorce from the petitioner, he married again in the year 1986 and he has to maintain his wife along with other family members. The learned Family Judge after appreciating the matter, by order dated 01.08.2005 allowed the CrI.M.P.No.16 of 2005 in part enhancing the maintenance from Rs.350/- per month to Rs.1,000/- per month. Aggrieved by the said orders, the present revision is filed seeking further enhancement.

Learned counsel appearing for the petitioner would contend that the order of the learned Family Judge is contrary to law and weight of evidence. The learned Family Judge ought to have noticed that in the light of escalation of prices and the cost of living, Rs.1,000/- per month awarded is not sufficient to meet the day-to-day expenses. The learned Family Judge also failed to appreciate that the petitioner has to pay the monthly rents for her residence apart from maintaining herself.

Having heard the learned counsel for the petitioner and from the perusal of the material on record, the petitioner specifically averred with regard to the emoluments of the first respondent at Rs.10,000/- per month. Further, the first respondent, in his evidence brought on record his salary receipt vide Ex.B-3. A perusal of the said receipt shows that the first respondent was drawing a sum of

Rs.5,176/- per month. In such circumstances, awarding maintenance of Rs.1,000/- per month can at any stretch of imagination be said that it is meager; more so, when the first respondent was already married and having family. Be that as it may, the present revision is filed in the year 2005. After 13 long years, there is a lot of change, not only in the cost of living, rate of inflation but also the price escalation, in all walks of life. In these circumstances, this Court is of the opinion that even if the amount as sought by the petitioner in the petition filed under Section 127 Cr.P.C., is not sufficient to meet the present day-to-day expenses. Therefore, this Court is of the opinion that there are no merits in the revision and the same is liable to be dismissed.

Accordingly, the criminal revision case is dismissed. It is needless to observe that the petitioner is at liberty to move a fresh application under Section 127 Cr.P.C. seeking enhancement of maintenance as per law.

Miscellaneous petitions, if any, pending in this criminal revision case shall stand dismissed.

P. KESHA VA RAO, J

Date:28.09.2018
CCM

HONOURABLE SRI JUSTICE P. KESHA VA RAO



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Date:28.09.2018

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