

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL REVISION CASE No.423 OF 2018

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, is filed by the petitioner, who son of respondent Nos.2 and 3 herein, seeking to set aside the order dated 16.10.2017 passed in M.C. No.111 of 2016 on the file of the Judge, Family Court-cum-III Additional District and Sessions Judge, Warangal, wherein the Court below granted maintenance in favour of respondent Nos.2 and 3 at the rate of Rs.4,000/- per month each.

2. Heard the learned counsel for the petitioner, learned counsel for respondent Nos.2 and 3 and the learned Assistant Public Prosecutor representing the 1st respondent-State, apart from perusing the material on record.

3. Learned counsel for the petitioner would submit that the 2nd respondent-father of the petitioner herein is a retired employee and is drawing monthly pension of Rs.28,333/-; it quite sufficient for his maintenance to meet his necessities; the Court below failed to take into consideration the same and granted maintenance; and ultimately, prayed to allow the Criminal Revision Case as prayed for by setting aside the impugned order.

4. Learned counsel for respondent Nos.2 and 3 herein would submit that the 3rd respondent is suffering from so many problems; the 2nd respondent spent huge amount for his daughter's marriage; the Court below rightly granted maintenance; there is no need to interfere with the impugned order; ultimately, prayed to dismiss the Criminal Revision Case.

5. In view of the contentions raised on behalf of both sides, the point for determination is, whether the impugned order is liable to be set aside?

6. It is evident from the record that the 2nd respondent is drawing a monthly pension of Rs.28,333/-. It is quite sufficient to maintain his necessities. Therefore, the Court below ought not have granted any maintenance, i.e., at Rs.4,000/- per month, in favour of the 2nd respondent herein-father of the revision petitioner. It is submitted on behalf of the 2nd respondent that he spent huge amount to perform the marriage of his daughter, so his pension is not sufficient to maintain himself. The said submission is not acceptable and the spending huge amount to perform his daughter's marriage would not entitle him to claim maintenance from his son-petitioner herein. As far as the grant of maintenance in favour of the 3rd respondent herein-mother of the revision petitioner is concerned, the grant of maintenance at Rs.4,000/- per month by the Court below is quite reasonable, which is based on record. There is nothing to take a different view.

7. In the result, maintenance granted at Rs.4,000/- per month in favour of the 2nd respondent-father of the revision petitioner is set aside and the grant of maintenance at Rs.4,000/- per month in favour of the 3rd respondent-mother of the revision petitioner is confirmed.

8. With the above modification, the Criminal Revision Case is partly allowed. Miscellaneous petitions, if any, pending in this Criminal Revision Case, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 30-04-2018

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