

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Revision Case No.303 of 2013

ORDER:

The challenge in this CrI.R.C is the order dated 20.11.2012 in M.C.No.26/2011 passed by the Judge, Family Court-cum-VI Additional District Judge, Kadapa, whereunder the learned Judge dismissed the petition filed on behalf of the minor daughter of the petitioner for granting maintenance against the respondent.

2) The minor petitioner is the daughter of D.Joshna and respondent. Her case is that respondent who is working as a Conductor in APSRTC, Rajampet Depot, drawing monthly salary of Rs.20,000/- and also getting additional income of Rs.1,00,000/- p.a from out of cultivation and he is also having business and inspite of having sufficient income, he did not take care of minor petitioner and left to the care and custody of her mother. The respondent would contend that he was terminated from service on medical grounds and at present he is not having any income and on the other hand the mother of the petitioner is working as a teacher and earning sumptuous salary and therefore, she can look after her. The Trial Court observed that admittedly the minor petitioner is the daughter of D. Joshna and respondent and she is under the care and custody of her mother who is working as Teacher. The Trial Court further observed that Exs.B.1 to B.5 produced by the respondent would show that the respondent was terminated from service due to medical invalidation

and he is not having any source of income and petitioner could not produce any record to that effect. On the other hand PW.1—the mother of the minor petitioner is in a better position as she is working as Teacher and hence, she can take care of her daughter but whereas the respondent is having another wife and two sons to fend. On these observations, the Trial Court dismissed the petition.

3) As rightly observed by the Trial Court, Exs.B.1 to B.5 would show that the respondent was found to be unfit due to severe backache and thereby he was retired on medical invalidation. The petitioners have not produced any record to show that he is having other source of income, whereas PW.1 is working as teacher. In these circumstances, the impugned order of the Trial Court holding that PW.1 is in better position than respondent and he is having another wife and two sons to look after and dismissing the petition on that ground cannot be found fault.

4) In the result, this Criminal Revision Case is dismissed.

As a sequel, miscellaneous petitions pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 04.12.2018
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