

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL REVISION CASE No.566 OF 2008

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, is filed by the petitioners, sons of 1st respondent, seeking to set aside the order dated 01.11.2017 passed in CrI.M.P. No.228 of 2017 in M.C. No.209 of 2017 on the file of the IV Additional District Judge-cum-I Additional Family Judge, Ranga Reddy District.

2. Heard the learned counsel for the petitioners-sons, learned counsel for the 1st respondent-mother and the learned Assistant Public Prosecutor representing the 2nd respondent-State, apart from perusing the material on record.

3. Learned counsel for the petitioners would submit that the 1st petitioner is pensioner and the 2nd petitioner is an advocate and both of them have no sufficient means; the 1st respondent-mother has got fertile land; to substantiate the same, copies of documents were filed; and ultimately, prayed to reduce the quantum of maintenance granted against the petitioners-sons.

4. Learned counsel for the 1st respondent-mother would submit that the land is being let out by the petitioners; the 1st respondent-mother is not getting any income; considering the said fact, the Court below has granted interim maintenance which is reasonable; and 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. As seen from the record, the 2nd petitioner is a practicing advocate and the 1st petitioner is a retired employee and his monthly pension is Rs.2,500/- and he has also wife and children to maintain. The contention on behalf of the 1st respondent-mother is that the 1st respondent is not cultivating the agricultural land, the petitioners have let out the same and getting income therefrom. The Court below had dealt with all the aspects and ultimately, granted monthly maintenance of Rs.10,000/-. Since the 1st petitioner is a pensioner and aged 62 years, the maintenance amount ordered to be paid by him appears to be on higher side. The 1st petitioner is directed to pay the monthly maintenance of Rs.2,000/- instead of Rs.5,000/- to the 1st respondent-mother. As per the record, the 2nd petitioner is a practicing advocate and he has sufficient means. Therefore, maintenance of Rs.5,000/- granted against the 2nd petitioner in favour of the 1st respondent-mother is maintained.

7. In the result, the direction of maintenance of Rs.5,000/- per month granted against the 2nd petitioner-K.Sridhar Reddy in favour of the 1st respondent-mother is upheld, but the maintenance directed to be paid to the 1st respondent by the 1st petitioner-K.Raghavendra Reddy is reduced from Rs.5,000/- to Rs.2,000/- per month from the date indicated in the impugned order. The 1st petitioner shall pay the arrears, if any, within one month from the date of this order. In the event of the petitioners not paying the arrears, the 1st respondent-mother is entitled to work out remedies available under law. The Court below shall not get influenced by the modification made in this order.

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

Dr. SHAMEEM AKTHER, J

Date: 09-04-2018

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