

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.10676 OF 2011

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner - respondent seeking to quash the order, dated 26.07.2011, passed in Crl.M.P. No.12 of 2010 in M.C. No.4 of 1998, by the learned Judge, Family Court - cum - VI Additional District Judge, Kadapa, by virtue of which, the learned Judge enhanced the maintenance amount to Rs.5,000/- from Rs.800/- per month to minor petitioner No.2, who is respondent No.3 herein.

2. The learned counsel for the petitioner, now, submits that respondent No.3 herein, who was aged 16 years at the time of passing the order under challenge, has become major, and that she is also married and, hence, she would not be entitled for any future maintenance. But, however, he does not produce any evidence with regard to the marriage of respondent No.3.

3. This Court, while admitting the present Criminal Petition, gave an interim direction to pay Rs.2,500/- per month to respondent No.3. The learned counsel submits that the petitioner herein is ready to pay the said amount. Hence, this Court opines that it is a fair proposal since the impugned order does not reflect any reasons for enhancing the amount from Rs.800/- to Rs.5000/- per month. In fact, the order, for that reason, is liable to be set aside. But, considering the proposal of the petitioner,

the order is slightly modified. Respondent Nos.2 and 3 do not appear despite service of notice.

4. Hence, considering the contentions of the learned counsel for the petitioner, the impugned order, dated 26.07.2011, passed in CrI.M.P. No.12 of 2010 in M.C. No.4 of 1998 passed by the learned Judge, Family Court, is modified by substituting the monthly maintenance amount of Rs.2,500/- per month in place to Rs.5,000/- per month.

5. With the above modification, the present Criminal Petition is allowed in part.

Consequently, Miscellaneous Petitions, if any, pending in the present Criminal Petition stand closed.

November 26, 2018
Mgr



SMT. T. RAJANI, J