

THE HON'BLE SRI JUSTICE P.KESHA RAO

CRIMINAL REVISION CASE Nos.943 & 1366 OF 2018

COMMON ORDER:

These two revisions are arising out of the same order and as the parties are common, they are heard together and being disposed of by this common order.

Crl.R.C.No.943 of 2018 is filed by the husband questioning the quantum of maintenance awarded to respondents 2 and 3 at the rate of Rs.10,000/- per month each towards maintenance; and Crl.R.C.No.1366 of 2018 is filed by wife and children questioning the rejection of maintenance to the wife and seeking enhancement of maintenance amount to the children granted in M.C.No.233 of 2013, dated 09.11.2017 by the Judge, Family Court, Ranga Reddy District at L.B.Nagar.

For the sake of convenience, the parties herein are referred to as per their array before the Court below in M.C.No.233 of 2013.

The facts of the case are that the petitioners filed M.C.No.233 of 2013 against the respondent seeking maintenance at the rate of Rs.20,000/- per month each. It is their case that the first petitioner is the legally wedded wife of the respondent. Their marriage was solemnized on 21.5.2007 at Rama Temple, DRDO, Hyderabad according to Hindu customs and rights. Out of the wedlock, they are blessed with two children i.e. the petitioners 2 and 3. After the birth of third petitioner, the respondent addicted to all sorts of vices and developed illegal intimacy with another woman and thereby neglected them. Therefore, they were constrained to file the maintenance case.

Per contra, the respondent filed a counter stating that he is working as a Scientist in DRDO, Hyderabad and married to one Jyothula Anila on 09.06.2001. The parents of first petitioner also attended the said marriage and thereafter himself and his wife started leading their marital life in DRDO quarters. After his wife Anila conceived, she went to her parents' house for delivery and on knowing the same, the first petitioner, who hails from the same village, with a mala fide intention, came to him and developed illicit relationship with him and started propagating that she is the wife of respondent. In fact, the first petitioner blackmailed the respondent demanding Rs.50.00 lakhs and threatened to file criminal cases against him.

The Court below, after full-fledged trial, partly allowed the M.C. by orders dated 09.11.2017 awarding a sum of Rs.10,000/- per month each to the petitioners 2 and 3 towards their maintenance from the date of the petition. However, as far as first petitioner is concerned, maintenance was refused on the ground that she is working as teaching assistant in Holy Mary College of Engineering and Technology and drawing a monthly salary of Rs.15,000/-. Aggrieved by the said orders, the respondent filed CrI.R.C.No.943 of 2018 questioning the quantum of maintenance granted to the petitioners 2 and 3. The petitioners 1 to 3 also filed CrI.R.C.No.1366 of 2018 in refusing maintenance to first petitioner and for enhancement of maintenance to petitioners 2 & 3.

Heard both the counsel and perused the material on record.

Having regard to the facts of the case and on hearing both the counsel, the admitted facts are that the first petitioner and the

respondent were blessed with two children i.e. petitioners 2 and 3. After the birth of 3rd petitioner, the respondent allegedly neglected the petitioners whereby they were forced to file the maintenance case. Though the respondent initially denied the marriage with the first petitioner and also disputed the paternity of the petitioners 2 and 3, on D.N.A. examination, it is proved that the petitioners 2 and 3 were born to first petitioner and the respondent.

The question that falls for consideration in both the revisions is 'whether the order passed by the Court below in refusing to grant maintenance to the first petitioner and awarding a sum of Rs.10,000/- per month each to the petitioners 2 and 3 is legal and valid'.

To appreciate the same, the financial status of the respondent is of paramount consideration. Admittedly, the respondent is working as a Scientist in DRDO, Hyderabad and earning a gross salary of Rs.1,79,487/- per month. Out of the gross salary, after deductions, it is informed by the counsel for the respondent that the respondent is receiving a net salary of Rs.42,772/- per month. Therefore, he submitted that awarding the maintenance of Rs.10,000/- per month each to the petitioners 2 and 3 towards maintenance is excessive. However, the counsel appearing for the petitioners would submit that the respondent with an intention to avoid payment of maintenance, intentionally contributing Rs.75,000/- per month towards General Provident Fund though it is not mandatory. In the present day circumstances, looking into the cost of living and also the inflation, this Court feels that award of maintenance at Rs.10,000/- per

month each to the petitioners 2 and 3 is not sufficient. More so, when the respondent is working as Scientist, he is expected to maintain his wife and children with the same standard of living, which he is leading.

In the circumstances, this Court feels that an amount of Rs.10,000/- per month each to the petitioners 2 and 3 is not sufficient. Therefore, to meet the ends of justice, this Court is inclined to enhance the maintenance to a sum of Rs.15,000/- per month to the petitioners 2 and 3 each. As far as the maintenance to the first petitioner is concerned, since it is already brought on record that she is working as a teaching assistant in Holy Mary College of Engineering and Technology and drawing a sum of Rs.15,000/- per month, this Court is in agreement with the order passed by the Court below that she is not entitled for any maintenance since she is maintaining herself with the salary she is drawing. In these circumstances, this Court feels that there are no merits in CrI.R.C.No.943 of 2018 filed by the respondent-husband.

In the result, the CrI.R.C.No.943 of 2018 is dismissed and CrI.R.C.No.1366 of 2018 is allowed in part modifying the order passed by the Court below to the extent of enhancing the maintenance from Rs.10,000/- to Rs.15,000/- per month each to the petitioners 2 and 3.

Pending miscellaneous petitions, if any, shall stand closed.

P.KESHAVA RAO,J

19th JUNE 2018.

Tsr