

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL REVISION CASE No.1889 OF 2006

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, is filed by the petitioners, who are the daughters of the 1st respondent, aggrieved by the order dated 21.09.2006 in M.C. No.170 of 2003 on the file of the Judge, Family, Court at Visakhapatnam, wherein the petitioners claimed maintenance of Rs.6,000/- per month to each of them from the 1st respondent and the Court below granted Rs.2,000/- per month in favour of the 2nd petitioner from the date of the impugned order and rejected the claim of the 1st petitioner.

2. This case is of the year 2006, it was listed on 17.04.2018. On that day, there was no representation on behalf of the petitioners. Again it was listed on 19.04.2018 and on that day, a request was made on behalf of the petitioners and it was ordered to be posted to today finally. Today, there is no representation on behalf of the petitioners. Under these circumstances, it is appropriate to decide this Criminal Revision Case on merits.

3. The petitioners are the daughters of the 1st respondent. It is stated in the revision case that the Court below ought to have granted Rs.6,000/- per month to each of the petitioners from the date of filing of maintenance case; the Court below erred in granting maintenance of Rs.2,000/- in favour of the 2nd petitioner from the date of the impugned order; and the Court below ought not have rejected the claim of the 1st petitioner on the ground of her marriage, since the 1st petitioner got married on 19.05.2005.

4. To substantiate the case, the petitioners deposed as P.Ws.1 and 2 and got examined Dr. D.Subhadevi as P.W.3. The 1st respondent deposed as R.W.1. No documents were marked on behalf of either side.

5. There is no representation on behalf of the 1st respondent-father of the petitioners. There is no record to show the service of notice on 1st respondent.

6. On the date of filing of the maintenance case before the Court below, the 1st petitioner was 22 years old and the 2nd petitioner was 19 years old. As the 1st petitioner got married on 19.05.2005, the Court below rightly denied maintenance in favour of the 1st petitioner. There is no dispute between the parties to the litigation, that the mother of the petitioners is also a doctor and the parents of the petitioners have separated due to differences among themselves. On the date of filing the maintenance case, the 2nd petitioner was also major. There is admission of P.W.2 that her father-1st respondent used to look after their welfare and education also. There is also admission from the side of P.W.2 that her mother was getting Rs.20,000/- per month towards salary. The 1st respondent used to inform that he is getting salary of Rs.18,000/- per month. When the 1st respondent-father is looking after the education and welfare of the 2nd petitioner, there is justification in granting monthly maintenance of Rs.2,000/-. The findings are based on the evidence on record. There is nothing to take a different view. There is no miscarriage of justice. Therefore, the Criminal Revision Case is devoid of merit and it is liable to be dismissed.

7. Accordingly, this Criminal Revision Case is dismissed.
Miscellaneous petitions, if any pending in this case, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 23-04-2018

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