

HONOURABLE SRI JUSTICE P. KESHAVA RAO

CRIMINAL REVISION CASE No. 1400 of 2017

ORDER:

Heard the learned counsel for the petitioner as well as the respondents.

The present criminal revision case is filed aggrieved by the orders passed in M.C.No.22 of 2016 dated 08.03.2017 on the file of the Judge, Family Court, Warangal.

The facts of the case are that the first respondent herein filed a maintenance case vide M.C.No.22 of 2016 against the petitioner herein for grant of maintenance at Rs.5,000/- per month and for litigation expenses of Rs.10,000/-, on the file of the Court of the Family Judge, Warangal. It is the case of the first respondent that the petitioner herein is her son and her husband Ramulu died on 04.02.2015. Since then, she has been residing in the house which is an ancestral property. The petitioner filed a civil suit against the first respondent and his younger brother for injunction and obtained injunction orders with false allegations by creating false documents, on the file of the V Additional Junior Civil Judge, Warangal. On 15.10.2015 the petitioner along with his family members interfered with the possession of the first respondent and threatened her with dire consequences. In those circumstances, the first respondent gave a complaint, but the police did not take any action. On 13.11.2015 the petitioner came to her house with anti-social elements and thrown her out from the house and locked the same. Since then, the first respondent is staying with her daughter. She

also stated that she is suffering from joint pains and unable to move and walk and she has been incurring medical expenses to the tune of Rs.300/- per month. Her younger son is paying Rs.5,000/- per month from which she is unable to meet the requirements and she needs another Rs.5,000/- towards her maintenance. The petitioner is working as Assistant Branch Manager, Margadarshi Chit Funds Limited, Warangal and drawing monthly salary of Rs.30,000/- and there are no dependants on him except the first respondent. In spite of the repeated requests and demands made by her, the petitioner refused to pay maintenance. Therefore, she was constrained to file the maintenance case. The petitioner herein filed a counter-affidavit denying the averments made in the petition and he specifically stated that the first respondent is receiving old age pension of Rs.1,000/- from the Government of Telangana and she has withdrawn F.D.R. amount deposited on 16.09.2014 and matured on 15.09.2017 of her husband and transferred a sum of Rs.3,18,000/- into her savings bank account. The first respondent deposited an amount of Rs.4,00,000/- in D.H.F.L. Pramara. The first respondent also received medical reimbursement of Rs.3 lakhs spent towards medical expenses of her deceased husband. The first respondent has already filed petition and she has been awarded maintenance. However, a petition is filed to set aside the order and the same is pending. To prove her case, the first respondent examined herself as PW-1 and Exs.P-1 and P-2 are marked. The petitioner examined himself as RW-1 and got marked Exs.R-1 to R-3. The Court below after appreciation of evidence, by orders dated 08.03.2017 awarded a

sum of Rs.5,000/- per month towards maintenance and a sum of Rs.5,000/- towards litigation expenses. Aggrieved by the same, the present criminal revision case is filed.

Learned counsel appearing for the petitioner, canvassed that the averments made in the counter-affidavit relating to grant of old age pension, withdrawal of F.D.R. amount, deposit of Rs.4 lakhs in DHFL, Pramrica and receipt of reimbursement of Rs.3 lakhs towards medical expenditure are not considered by the Court below. Apart from the same, the first respondent is having gold ornaments, silver items, and she has got sufficient amount and she does not require any amount towards maintenance. However, the learned counsel for the petitioner during the course of arguments also fairly submitted that the petitioner is willing to pay Rs.3,000/- to Rs.4,000/- per month.

Per contra, the learned counsel for the first respondent would submit that the second son of the first respondent is already paying a sum of Rs.5,000/- per month towards maintenance for her mother and the petitioner herein is also liable to pay the same since the first respondent is living with her daughter. The first respondent is also suffering from age related ailments and she is incurring more than Rs.3,000/- towards medical expenses every month.

After hearing the arguments of both the counsel and from the material on record, it is revealed that the first respondent is living with her daughter and she has no independent source of income. The younger son of the first respondent is paying a sum of Rs.5,000/-

per month towards her maintenance. That apart, the petitioner herein also deposed that his father has not bequeathed any property to his mother in the will executed by him and both the brothers have to maintain her. He also admitted that his younger brother is paying monthly maintenance of Rs.5,000/- to the first respondent. As far as the deposit of F.D.R. amount of Rs.4 lakhs in D.H.F.L. Pramarica and receipt of medical reimbursement of Rs.3 lakhs by first respondent, no evidence is forthcoming. Therefore, it is clear that the first respondent cannot maintain herself since she is not having any independent source of income and the petitioner admittedly refused to maintain and neglected the first respondent. Insofar as the quantum of maintenance is concerned, the petitioner is under an obligation to maintain the first respondent. Looking at the present day cost of living and the inflation even to meet the bare necessities, the first respondent with limited financial resources of Rs.5,000/- being paid by the younger son, she cannot be expected to lead a reasonable good life. Further, first respondent is also suffering from age related problems and she is incurring a sum of Rs.3,000/- per month towards medical expenses. In these circumstances, this Court is of the opinion that there is no irregularity or illegality in the orders passed by the Court below in awarding the sum of Rs.5,000/- per month towards maintenance to the first respondent by the petitioner herein. In these circumstances, there are no merits in the criminal revision case and the same is liable to be dismissed.

Accordingly, the criminal revision case is dismissed.

The miscellaneous petitions, if any, pending in this criminal revision case shall stand closed.

P. KESHAVA RAO,J

Date:07.06.2018  
Ccm/ kpm



HONOURABLE SRI JUSTICE P. KESHA VA RAO



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Ccm