

THE HON'BLE SRI JUSTICE P.KESHA RAO

CRIMINAL REVISION CASE No.1545 OF 2017

ORDER:

This Criminal Revision Case is filed against the orders dated 20.03.2017 in M.C.No.67 of 2014 on the file of Court of XIV Additional District & Sessions Judge-cum-Additional Family Judge, Vijayawada, awarding a sum of Rs.3,000/- per month each to the respondents 2 and 3 herein towards maintenance from the date of filing of the petition i.e. 27.01.2014.

Heard the learned counsel for the petitioner. In spite of notice and engaging a counsel, there is no representation on behalf of respondents 2 and 3.

The facts of the case are that the second respondent herein is the legally wedded wife of the petitioner. Their marriage was performed on 19.03.2003 as per the Hindu rites and customs. Out of wedlock, they are blessed with a male child i.e. respondent No.3 herein. Now, he is studying in Class-VII. It is the case of the respondent No.2 that since the marriage, the petitioner, his parents and sister are harassing her to bring additional amount from her parents. After the birth of the respondent No.3 herein, while she was at her parents' house, the petitioner and his parents came to her, beat her and demanded additional dowry from her parents and in the process, they have taken away Rs.50,000/-. Four years prior to the filing of M.C., the respondent No.2 was necked out of their matrimonial house demanding to bring Rs.2.00 lakhs from her parents. In those circumstances, she was forced to file the M.C. The petitioner herein filed a counter admitting the

relationship, but contended that since the marriage, the respondent No.2 used to harass the petitioner and demanded him to live separately leaving his parents. The petitioner tolerated the harassment of the respondent No.2 with the hope that one day she would change her mind. However, on 29.08.2012 the respondent No.2 left the house without informing him and his parents by taking away all her belongings.

In order to substantiate her contentions, the respondent No.2 examined herself as P.W.1 and marked Exs.P.1 and P.2 on her behalf. The petitioner himself examined as R.W.1, but no documents were marked on his behalf. The court below, after hearing, was pleased to allow the M.C. in part directing the petitioner to pay a sum of Rs.3,000/- per month each to the respondents 2 and 3 towards maintenance from the date of the petition, by orders dated 20.03.2017. Aggrieved by the same, the present revision is filed.

The learned counsel appearing for the petitioner would contend that the petitioner herein is only a vegetable vendor eking out his livelihood by selling the vegetables on the push-cart. On the contrary, the respondent No.2 is a post-graduate in M.Com and she is highly qualified. The learned counsel also brought to the notice of the Court from the cross-examination of P.W.1 that the petitioner is only doing the business of selling vegetables and he is not earning more than Rs.10,000/- per month. On the other hand, the respondent No.2 being post-graduate is working in a private college and she is earning for herself.

Having heard the submissions of the learned counsel for the petitioner and after perusal of the material on record, it is revealed that though the petitioner has taken a specific plea that the respondent No.2 is doing a job in Siddhardha Engineering College, Vijayawada and getting an income of more than Rs.25,000/- per month, no evidence is produced from his side, thereby the learned judge has not believed the said version. On the other hand, the respondent No.2 as P.W.1 stated that the petitioner is getting income of Rs.45,000/- per month from his private finance business. However, no evidence is produced by her. She has also stated in the cross-examination that the petitioner herein is running a vegetable shop and getting an income of Rs.5,000/- to Rs.6,000/- per month apart from his finance business. A perusal of the order would also indicate that though the parties have taken out different stands with regard to the financial capacity, both of them have not produced any evidence to substantiate their contentions. Be that as it may, in the present day circumstances, looking at the cost of living and also the rate of inflation, it is difficult for an individual to sustain with a meagre amount of Rs.3,000/- per month. Though the learned counsel for the petitioner vehemently submitted that the maintenance awarded by the trial Court is excessive and the respondent No.2 is already gainfully employed, this Court is not in agreement with the said submission on the ground that the petitioner is legally and morally obligated to maintain the respondents 2 and 3 and he has not produced any evidence to the effect that the respondent No.2 is working in Siddhartha Engineering College. That being the case, this Court is of the opinion that there is no irregularity or illegality

in the order dated 20.03.2017 passed by the trial Court in M.C.No.67 of 2014 in awarding maintenance at the rate of Rs.3,000/- per month each to the respondents 2 and 3 herein and there are no merits in the Criminal Revision Case.

Accordingly, the Criminal Revision Case is dismissed.

Pending miscellaneous petitions, if any, shall also stand closed.

12th JULY 2018.
Tsr

P.KESHA VA RAO,J

