

THE HON'BLE SRI JUSTICE P. KESHA VA RAO

CRIMINAL REVISION CASE No.2280 of 2014

ORDER:

Heard the learned counsel for the petitioner and the respondents 2 and 3.

The present Criminal Revision Case is filed questioning the orders passed in C.R.P.No.154 of 2012, dated 26.6.2014 on the file of the Court of the XI Additional District and Sessions Judge, Tenali in awarding a sum of Rs. 4,000/- to the second respondent and confirming Rs. 1000/- per month to the 3rd respondent towards maintenance.

The facts in brief are that the respondents 2 and 3 filed M.C.No.25 of 2011, claiming a sum of Rs. 1000/- to the second respondent and Rs. 7,000/- to the third respondent, against the petitioner on the file of the Court of the I Additional Judicial First Class Magistrate at Tenali.

It is the case of the respondents 2 and 3 that on 14.8.2008, the second respondent was married to the petitioner as per the Hindu Rites and Customs. Out of wed lock, they were blessed with the third respondent. Since disputes arose between the second respondent and the petitioner, it led to filing of the above said MC. When the second respondent objected to the demand of additional dowry, she was beaten indiscriminately by the petitioner. When the second respondent was carrying third month pregnancy, the petitioner and his family picked up quarrel and necked out the second respondent from the house since she failed to bring an

amount of Rs. 2,00,000/- as per their demand. Since then the second respondent is living with her parents. At that stage, the parents of the second respondent and at the instance of the elders, the petitioner accepted the respondents 2 and 3. However, again he started harassing her for the additional dowry. Again he necked out the respondents 2 and 3 on 25.7.2010. The petitioner is working as Principal in Bashyam Public School, Anakapalli and getting Rs. 40,000/- per month as salary. He is also having Acs. 2.50 cents of land at Sirangapuram, which is worth about Rs. 25,00,000/- per acre and earning an income of Rs. 75,000/- per month on the said land. It is also stated that the petitioner is having a house which is worth Rs. 5,00,000/-, besides he is having a house site worth Rs. 60,00,000/- etc. The petitioner filed the counter denying the material allegations made against him in the Maintenance Case and contended *inter alia* that from the beginning the 2nd respondent used to visit her parents' house frequently. In fact, the 2nd respondent lived with him amicably only for three days. In fact, the parents of the second respondent abused the petitioner stating that they committed mistake in marrying their daughter with the petitioner. When the petitioner and his family members questioned the frequent visits of the 2nd respondent to her parents house, they were informed that the second respondent was not keeping good health. In fact, the 2nd respondent filed a false case in Crime No. 99 of 2011 of II Town P.S. Tenali. It is also specifically stated in the counter that the 2nd respondent is earning Rs. 5,000/- by doing a private job and also another Rs.5,000/- by way of stitching clothes. The Magistrate, after trial, passed orders on 5.11.2012 in M.C.No.25

of 2011 directing the petitioner to pay a sum of Rs. 1,000/- per month towards maintenance to the third respondent. However, as far as the maintenance to the second respondent is concerned, it was negatived. Aggrieved by the said orders, the respondents 2 and 3 filed Criminal Revision Case No. 154 of 2012 on the file of the Court of IV Additional District Judge, at Tenali. The learned District Judge, after elaborate hearing, passed orders on 26.6.2014, allowing the Criminal petition directing the petitioner to pay a sum of Rs. 4,000/- to the second respondent herein and confirming the maintenance of Rs. 1,000/- to the third respondent. Aggrieved by the said orders, the present revision is filed to the extent of granting of Rs.4,000/- towards maintenance to the 2nd respondent.

Learned counsel appearing for the petitioner would contend that the learned Additional District and Session Judge committed an error in granting maintenance to the 2nd respondent, without there being any material on record. The second respondent miserably failed to bring on record with regard to the financial capacity and the monthly income of the petitioner. In the absence of the same, granting of maintenance is opposed to the canons of law. The XI Additional District and Sessions Judge also failed to consider that the 2nd respondent was obtaining Rs. 10,000/- by doing a private job and by stitching clothes. Therefore, he sought to set aside the orders passed by the Revisional Court.

Per contra, learned counsel for the respondents 2 and 3, supported the impugned orders and further contended that the maintenance as awarded is too meager compared to the present costs of living.

Having heard both the counsel and from the perusal of the material on record, it is revealed that the petitioner is the husband of the second respondent and father of the third respondent. Due to disputes, the respondents 2 and 3 are living separately from the petitioner. Though the second respondent has categorically pleaded that the petitioner is earning a sum of Rs. 40,000/- per month and having immovable properties, as mentioned in the petition, no evidence is brought on record by filing any documentary evidence. Similarly, though the petitioner was working as the Principal in the Bashyam Public School, Anakapalli, he has also not produced any evidence in the form of salary certificate as to how much he was drawing per month. Though he has taken a specific contention that by virtue of 498-A case filed against him, he has been removed from the said school and the same is also not substantiated by filing any documentary evidence except the oral assertion that he has been removed from the said school.

Be that as it may, the petitioner being the husband of the 2nd respondent and father of the third respondent is legally and morally obligated to maintain them. Though the petitioner has taken a specific plea that at present he is not doing any work and he cannot maintain the respondents 2 and 3, but as long as the petitioner is hale and healthy, and he being well educated person, he is bound to maintain respondents 2 and 3. That apart, the maintenance as awarded by the Revisional Court at the rate of 4,000/- and Rs. 1,000/- respectively to the second and third respondents, compared with the present cost of living and rate of inflation, this Court is of the opinion that the same is not excessive.

Therefore, this Court is of the opinion that there are no merits in the Criminal Revision Case and the same is liable to be dismissed.

Accordingly, the Criminal Revision Case is dismissed.

Miscellaneous petitions pending if any, shall stand closed.

P. KESHA VA RAO, J

Date: 10/9/2018
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THE HON'BLE SRI JUSTICE P. KESHA VA RAO



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Dated: 10/09/2018

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