

THE HON'BLE SRI JUSTICE P.KESHAHA RAO

CRIMINAL REVISION CASE No.1252 OF 2014

ORDER:

Heard the learned counsel for the petitioner and first respondent.

The present Criminal Revision Case is filed questioning the orders passed in M.C.No.5 of 2012 dated 21.04.2014 on the file of the Court of the Judge, Family Court-cum-Additional District Judge, Anantapur, awarding a sum of Rs.8,000/- per month towards maintenance to the first respondent.

The facts, in brief, are that the first respondent herein is the legally wedded wife of the petitioner and their marriage was solemnized on 05.06.1995 as per the rites and customs prevalent in their community. Out of the wedlock, they were blessed with two children. Subsequently, disputes arose between the petitioner and the first respondent leading to filing of the present M.C. In the above said M.C., the learned Family Judge, after considering all the facts and analyzing the evidence brought on record, by orders dated 21.04.2014 directed the petitioner to pay a sum of Rs.8,000/- per month towards maintenance. Aggrieved by the same, the present Criminal Revision Case is filed.

The learned counsel appearing for the petitioner contended that the petitioner is maintaining both the children and they are under his care and custody. In fact, he is educating his both children in Keshava Reddy group of schools by incurring annually, a sum of Rs.65,000/- to Rs.70,000/- per head. He also contended

that the first respondent voluntarily deserted the petitioner without any reasonable cause. The amount of maintenance as awarded by the Court below is excessive.

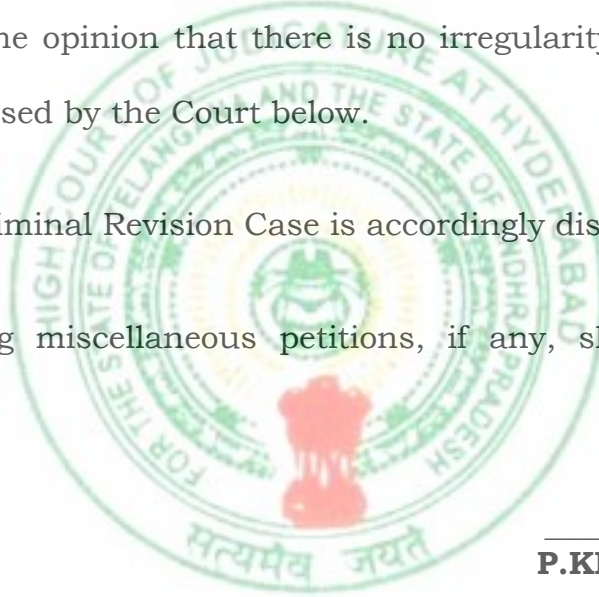
Per contra, the learned counsel appearing for the first respondent contended that at the time of filing of the M.C., the petitioner was working as Inspector of Police. However, on promotion, now, he is working as Deputy Superintendent of Police and drawing a sum of Rs.75,000/- to Rs.80,000/- per month. In the M.C. proceedings, the first respondent categorically pleaded that after the children are born, the petitioner is addicted to vices including developing an illicit intimacy with another woman, which led to separation and filing of the Maintenance Case.

Having heard both the counsel and from the perusal of the material on record, it is revealed that though the first respondent has stated that the petitioner is drawing a sum of Rs.55,000/-per month, no evidence is forthcoming from both the parties. In fact, when the petitioner is disputing with regard to the monthly salary, he is the proper person to place on record the best available evidence in his custody in the form of producing the salary certificate. However, he has not chosen to produce the same. On the other hand, the learned counsel for the first respondent brought to the notice of this Court that the petitioner has been promoted and now, he is working as a Deputy Superintendent of Police and drawing a salary of Rs.75,000/- to Rs.80,000/- per month. On this count, an adverse inference has to be drawn against the petitioner for not producing the best available evidence with him. Be that as it may, this Court cannot go into the said

aspect at this stage. As far as the grant of maintenance at the rate of Rs.8,000/- per month is concerned, looking at the present cost of living and the rate of inflation, this Court is of the opinion that it is neither excessive nor the first respondent is not entitled for the same. In fact, when the petitioner is working as a Deputy Superintendent of Police, he is expected to maintain his wife with the same standard in which he is leading his life. Though the petitioner stated that he is educating his children, the same is not a mitigating circumstance under which, the maintenance awarded to the first respondent can be reduced. On these grounds, this Court is of the opinion that there is no irregularity or illegality in the order passed by the Court below.

The Criminal Revision Case is accordingly dismissed.

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



P.KESHAHA RAO,J

04th SEPTEMBER 2018.
Tsr