

THE HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE NO.1626 OF 2010

ORDER:

The present Criminal Revision Case is filed questioning the orders passed in M.C.No.61 of 2009 dated 21.7.2010 on the file of the Court of the Family Judge-cum-Additional District Judge, East Godavari district, awarding a sum of Rs.3,000/- p.m. to respondent No.1 towards maintenance from the date of the petition.

2. The facts in brief are that respondent No.1 is the mother of the petitioner. Respondent No.1 performed marriages of all her sons and daughters by spending huge amounts. Respondent No.1 is having a house property and the same was divided among all the sons. In fact, respondent No.1 took loans to develop the house property and also to perform the marriages of her daughters. The 2nd son of respondent No.1 was doing coolie work and 3rd son was driving an auto and looking after respondent No.1. The petitioner herein after taking his share of the property, at the instigation of his wife, was not looking after her welfare and she was not even allowed to see them. Respondent No.1 was unable to maintain herself and to pay interest to banks and private persons who provided loans. It is also the case of respondent No.1 that the petitioner

was getting a salary of Rs.15,000/- p.m. In those circumstances, she filed the maintenance case.

3. The petitioner filed a counter denying the allegations made in the maintenance case and contended inter-alia that from the date of the marriage, respondent No.1 was harassing his wife for getting more dowry and she developed grouse over the marriage. In fact, respondent No.1 was taking food from his house till the date of filing of the maintenance case. When the petitioner and his wife refused publicly with regard to dowry demands, respondent No.1 refused to have food with the petitioner. In fact, respondent No.1 retained four portions out of eight portions and she sold away one portion and has settled three portions to her sons i.e., one portion to each of them. The value of her house is Rs.46,74,600/- and as per the valuation certificate, respondent No.1 is capable to maintain herself. He also stated that respondent No.1 is getting rents of Rs.8,000/- per month and Rs.500/- p.m. from the State Government apart from other aspects.

4. From the perusal of the grounds of revision as well as the material on record, it is seen that though the petitioner has categorically stated about the value of the property owned by respondent No.1 and also with regard to the income from rents, no documentary evidence is adduced. Admittedly, when

the petitioner has taken one portion from respondent No.1 and when respondent No.1 is not having any means, it is his obligation to maintain her. On the contrary, the evidence of RWs 1 and 2 goes to show that the petitioner has taken his share of property and paying the municipal taxes on his own. Respondent No.1 is aged about 60 years at the time of passing of orders in the maintenance case and since she is having age related ailments such as hyper tension, Blood Pressure and Diabetes, she needs to be taken care of by the petitioner. However, a further perusal of the order would also indicate that the petitioner's gross salary was Rs.11,293.80/- p.m. in the month of December, 2008 and net salary was Rs.8,420/- p.m. This Court presumes that now the salary of the petitioner would have been more than RS.20,000/- p.m.

5. Be that as it may, the petitioner being the son of respondent No.1 and having taken his share of property, is legally and morally bound to maintain respondent No.1.

6. In these circumstances, this Court does not find any irregularity or illegality in the orders passed by the Court below.

7. There are no merits in the Criminal Revision Case and accordingly, the same is dismissed.

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

P. KESHAVA RAO,J

Date: 14.9.2018

KPM

