

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.1828 OF 2013

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner - revision petitioner - respondent seeking to set aside the order, dated 25.04.2012, passed in CrI.R.P. No.38 of 2009, by the learned Motor Accident Claims Tribunal - cum II Additional District Judge (Fast Track Court), Srikakulam, confirming the order, dated 17.04.2009, passed in M.C. No.63 of 2007 by the learned Judicial Magistrate of First Class, Special Mobile Court, Srikakulam granting maintenance of Rs.2,500/- per month to respondent No.2 herein and Rs.1,500/- per month to respondent No.3

2. Heard the learned counsel for the petitioner and the learned counsel for respondent Nos.2 and 3.

3. The learned counsel for the petitioner submits that the petitioner is working as a daily coolie.

4. A perusal of the counter filed by the petitioner before the trial Court shows that he did not deny the fact that he was working as driver on JCB vehicle. He only denies the income he was deriving at Rs.10,000/- on the JCB earth moving vehicle. When the fact that he was working as a driver on the JCB vehicle is not denied, it can be assumed that he would be earning more than Rs.10,000/- per month. The land which was allegedly transferred to the name of respondent

No.2 does not have any supporting document and, hence, was rightly disbelieved by the trial Court as well as first appellate court.

5. Hence, considering the above circumstances, the maintenance granted to respondent Nos.2 and 3 cannot be considered as exorbitant, and consequently, the present Criminal Petition is dismissed.

Consequently, Miscellaneous Petitions, if any, pending in the present Criminal Petition stand closed.

December 14, 2018
Mgr

SMT. T. RAJANI, J

