

THE HON'BLE SRI JUSTICE P. KESHA RAO
CRIMINAL REVISION CASE NO.1722 OF 2018

ORDER:

Heard the learned counsel for the petitioner.

The present Criminal Revision Case is filed against the orders passed in CrI.M.P.No.143 of 2014 in M.C.No.29 of 2008 dated 19.12.2017 on the file of the Court of the Judge, Family Court at L.B.Nagar, Rangareddy district.

The facts of the case are that originally, the respondents 1 to 3 herein filed M.C.No.29 of 2008 against the petitioner herein on the file of the Court of the Family Judge, L.B.Nagar, Rangareddy district claiming maintenance. The said M.C., after contest, was ordered vide orders dated 1.11.2011 directing the petitioner herein to pay a sum of Rs.1,000/- p.m. to the 1st respondent herein and Rs.500/- p.m. each to the 2nd and 3rd respondents. Subsequently, the respondents 1 to 3 have filed a petition vide CrI.M.P.No.143 of 2014 for enhancement of maintenance from Rs.2,000/- to Rs.4,000/- each. The petitioner herein filed counter affidavit and contested the same. After hearing, the Court below, allowed CrI.M.P.No.143 of 2014 on 19.12.2017 directing the petitioner herein to pay a sum of Rs.2,000/- p.m. to the 1st respondent and Rs.1,500/- p.m. each to the respondents 2 and 3. Aggrieved by the same, the present Criminal Revision Case is filed.

Learned counsel for the petitioner would contend that the petitioner is working as an agricultural coolie and he has no means

to pay the said amount. Though it is brought on record in the impugned order that the petitioner is having Ac.3.00 to Ac.4.00 of agriculture land, learned counsel for the petitioner would contend that the land is not in his name. In fact, his mother is the absolute owner. Learned counsel for the petitioner also brought to the notice of this Court that the petitioner was originally driving a vehicle and since he was physically invalidated, he stopped the same and doing agriculture coolie work. The 1st respondent herein also obtained divorce from him on that ground.

Having heard the learned counsel for the petitioner and a perusal of the material on record would reveal that originally the respondents 1 to 3 were granted a sum of Rs.2,000/- p.m. towards maintenance in the year 2011. Thereafter, they filed a petition for enhancement of the said amount. The said enhancement petition was ordered on 19.12.2017 directing the petitioner to pay Rs.5,000/- p.m. Looking at the present cost of living, the rate of inflation and the responsibility of the 1st respondent to educate the respondents 2 and 3, this Court is of the opinion that there is no irregularity or illegality in the orders passed by the Court below in enhancing the maintenance amount from Rs.2,000/- to Rs.5,000/-.

Accordingly, there are no merits in the Criminal Revision Case. Criminal Revision Case is dismissed.

However, learned counsel for the petitioner submitted that the petitioner has been paying the maintenance as ordered in the maintenance case regularly. Now that he has been directed to pay

Rs.5,000/- p.m. instead of Rs.2,000/-p.m. from the date of the petition, the petitioner is not in a position to pay arrears in lumpsum. He sought instalments enabling the petitioner to pay the said arrears.

Keeping in view the submissions made by the learned counsel for the petitioner, the petitioner is permitted to pay the arrears of maintenance i.e., the differential amount of Rs.3,000/- in six equal monthly instalments commencing from the end of July, 2018 to December, 2018. It is needless to observe that as far as the enhanced maintenance @ Rs.5,000/- is concerned, the petitioner is directed to pay the same, regularly.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

Date: 9.7.2018

KPM

P. KESHAVA RAO,J

