

THE HON'BLE SRI JUSTICE P.KESHA RAO

CRIMINAL REVISION CASE No.2495 OF 2014

ORDER:

Heard the learned counsel for the petitioner and respondents 1 and 2.

The present Criminal Revision Case is filed questioning the orders passed in M.C.No.6 of 2013, dated 05.11.2014 on the file of the Court of the Special Judicial First Class Magistrate for Prohibition & Excise, Kakinada in awarding a sum of Rs.10,000/- each per month to the respondents 1 and 2 towards maintenance from the date of the petition.

The facts, in brief, are that the mother of the respondents 1 and 2 is the legally wedded wife of the petitioner. Their marriage was performed on 05.05.1999 as per Hindu rites and customs prevalent in their community. Out of the wedlock, they were blessed with respondents 1 and 2. However, since disputes arose between the petitioner and the mother of respondents 1 and 2, they are living separately, which led to filing of the present M.C. The allegation made against the petitioner and his family members is that the mother of the respondents 1 and 2 herein was insisted to stay in her in-laws house even during the Ashadamasam and from the date of marriage, the petitioner and his family members were insisting to bring additional dowry and thereby they have subjected her to harassment. The petitioner used to beat the mother of the respondents 1 and 2 even for simple things. Since the petitioner continued to harass her, she came along with her children to her father's house and residing there. In those

circumstances, she filed the M.C. against the petitioner claiming monthly maintenance of Rs.30,000/- to her and Rs.10,000/- each to the respondents 1 and 2 herein.

The petitioner filed a counter denying the material allegations made in the M.C. and contended that the mother of respondents 1 and 2 refused to join the petitioner at Pune after he came back from Germany. It is specifically mentioned that during the month of March, 2011, the petitioner came to Kakinada to attend the first death anniversary of the mother of his wife and at that time, she along with her father and brother, went to Pune without any prior intimation and brought all her belongings. Though the petitioner requested her and her father to send his wife and children, they did not respond positively. The mediations taken out by the petitioner through Mr.B.Gangadhara Rao and P.Ramachandra Rao etc., failed and the mother of the respondents 1 and 2 refused to join the petitioner without any reasonable cause. The learned Magistrate, after elaborate trial, passed orders on 05.11.2014 granting maintenance of Rs.10,000/- per month each to respondents 1 and 2, but refused to grant maintenance to their mother. Aggrieved by the said orders to the extent of awarding maintenance at Rs.10,000/- per month each to the respondents 1 and 2, the petitioner has filed the present Criminal Revision Case.

The learned counsel appearing for the petitioner contended that the learned Magistrate erred in granting maintenance at the rate of Rs.10,000/- each per month to the respondents 1 and 2. The amount so awarded, compared to the ages of the respondents

1 and 2, is very high. The learned Magistrate ought to have appreciated that the petitioner has shown lot of love and affection on the respondents 1 and 2 and never neglected them. The petitioner is also paying a sum of Rs.10,000/- per month towards educational policies for their higher education.

Per contra, the learned counsel appearing for the respondents 1 and 2 justified the impugned orders.

Having heard both the counsel and from the perusal of the material on record, it is revealed that the mother of the respondents 1 and 2, herself withdrew from the conjugal society of the petitioner and living with her father separately along with respondents 1 and 2. In fact, the evidence of P.Ws.1 and 2 also established that till January, 2011, the petitioner transferred about 12,32,000/- into the account of mother of respondents 1 and 2. In the month of May, 2011, the petitioner also transferred Rs.95,000/-. That apart, the petitioner is also paying a sum of Rs.10,000/- every month towards educational policies of respondents 1 and 2. The impugned order would also reveal that the learned Magistrate, after appreciating the evidence brought on record, observed that the petitioner never neglected the respondents 1 and 2 or their mother. In fact, it is the mother of respondents 1 and 2, who, along with her father and brother, went to Pune and brought all her clothes even without intimating to the petitioner and expressed her unwillingness to stay with the petitioner at Pune. In fact, the efforts made by the petitioner for reunion, personally and through mediators also failed. Therefore,

the mother of the respondents 1 and 2 was denied the maintenance by the learned Magistrate.

Now, coming to the question of maintenance to the respondents 1 and 2 is concerned, the petitioner being a Software Engineer is drawing more than Rs.1,00,000/- per month. The conduct of the petitioner also established beyond reasonable doubt that he is showing lot of love and affection on the respondents 1 and 2 and is taking care of the expenses of their education apart from paying the maintenance as ordered by the learned Magistrate. The petitioner being the father is expected to maintain the respondents 1 and 2 with the same standard of living in which he is leading his life. Therefore, this Court does not find any irregularity or illegality in the impugned orders passed by the learned Magistrate. There are no merits in the Criminal Revision Case and the same is liable to be dismissed.

The Criminal Revision Case is accordingly dismissed.

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

P.KESHA VA RAO,J

12th SEPTEMBER 2018.

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