

THE HON'BLE SRI JUSTICE P. KESHA RAO
CRIMINAL REVISION CASE NO. 2069 OF 2010

ORDER:

Heard the learned counsel for the petitioner. There is no representation for respondent No.2.

2. The present Criminal Revision Case is filed challenging the orders passed in CrI.M.P.No.530 of 2009 in M.C.No.84 of 2009 dated 3.9.2010 on the file of the Family Court-cum-IV Additional District and Sessions Court, Vijayawada, which was filed to set aside the orders passed in M.C.No.84 of 2009 dated 23.10.2009, granting a sum of Rs.2,000/- p.m. towards maintenance to respondent No.2 herein.

3. The facts in brief are that respondent No.2, represented by her grant father, filed M.C.No.84 of 2009 against the petitioner claiming a sum of Rs.6,000/- p.m. It is the case of respondent No.2 that after the death of her father, the petitioner was appointed as a Conductor in APSRTC on compassionate grounds under bread winner scheme. The petitioner married another person without informing her family members and totally neglected to maintain her. Since respondent No.1 was not having any independent source of income to maintain herself, she was living under the control of her maternal grand father. Further, the petitioner, while

working as a Conductor was drawing a salary of Rs.15,000/- p.m. apart from other allowances. In those circumstances, respondent No.1 filed maintenance case.

4. In spite of service of notice, the petitioner has not appeared in the said maintenance case. Consequently, learned Judge, Family Court, after appreciating the evidence on record, directed the petitioner to pay a sum of Rs.2,000/- p.m. towards maintenance vide order dated 23.10.2009. Aggrieved by the said orders, the petitioner filed CrI.M.P.No.530 of 2009 to set aside the above said order.

5. Learned Judge, Family Court, after perusing the complaint and after examining the minor girl, observed that respondent No.1 was not willing to live with the petitioner. Therefore, observing that the maternal grand father was taking care of respondent No.1, found that the maintenance as ordered was reasonable, dismissed the said CrI.M.P.No.530 of 2009. Aggrieved by the said order, the present Criminal Revision Case is filed.

6. Be that as it may, from the perusal of the cause title, it is clear that respondent No.1 was 13 years old in the year 2010. By this time, she has become major. In these circumstances, this Court is not inclined to interfere with the orders passed by the Court below.

7. Accordingly, the Criminal Revision Case is dismissed. It is needless to observe that respondent No.1 is entitled for maintenance till she attains majority and gets married and the petitioner is directed to pay the maintenance till such time, if not already paid.

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

Date: 14.9.2018

KPM

P. KESHAVA RAO,J

