

THE HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE NO. 2623 OF 2014

ORDER:

Heard the learned counsel for the petitioner.

2. The present Criminal Revision Case came to be filed against the orders passed in CrI.R.P.No.16 of 2013 dated 9.5.2014 on the file of the Court of the XIII Additional District Judge, Narasaraopet, Guntur, in awarding a sum of Rs.1,500/- towards maintenance to respondent No.1 herein.

3. The facts in brief are that respondent No.1 herein is the legally wedded wife of the petitioner. Their marriage was performed 12 years prior to filing of the maintenance case. At the time of marriage, the parents of respondent No.1 gave a sum of Rs.60,000/- as dowry to the petitioner apart from other customary articles. Out of the wedlock, they were blessed with two children. However, disputes arose between the petitioner and respondent No.1 leading to filing of M.C.No.44 of 2010 against the petitioner. After trial, learned Junior Civil Judge, Chilakaluripet, was pleased to dismiss the maintenance case by orders dated 7.12.2012. Aggrieved by the said orders, respondent No.1 herein filed CrI.R.P.No.16 of 2013 on the file of the Court of the XIII Additional District Judge, Narasaraopet, Guntur district. After hearing, the said Criminal Petition was

allowed by orders dated 9.5.2014 directing the petitioner herein to pay a sum of Rs.1500/- p.m. towards maintenance to respondent No.1 from the date of the petition. Against the said orders, the present Criminal Revision Case is filed.

4. Learned counsel for the petitioner would contend that respondent No.1 left the conjugal society of the petitioner without any reasonable cause. In fact, respondent No.1, while leaving the conjugal society, also left the children with the petitioner. Learned counsel also vehemently argued that the maintenance as awarded is excessive since the petitioner has to maintain his aged parents and two children with his meagre income.

5. Having heard the learned counsel for the petitioner and from the perusal of the material on record, particularly, the impugned proceedings, on appreciation of the evidence, no finding is arrived at by the Court below that respondent No.1 left the conjugal society of the petitioner without any reasonable cause. Therefore, the plea that respondent No.1 is not entitled for maintenance will not stand to the legal scrutiny and the same is unsustainable.

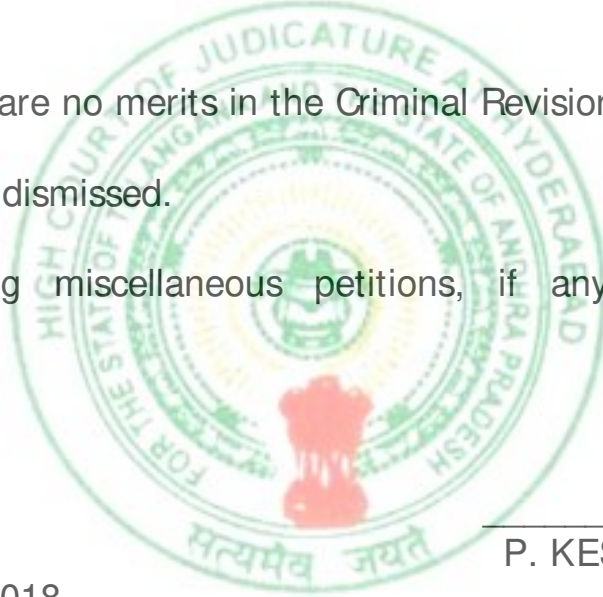
6. The petitioner is working as a Carpenter. From the impugned orders, it is revealed that the petitioner is having a house property worth Rs.10,00,000/- and also earning Rs.600/-

per day. The said fact has not been denied by the petitioner. Therefore, taking into consideration the present cost of living and the rate of inflation, the amount as awarded by the Court below, is proper. That apart, the petitioner being the husband, is legally and morally responsible to maintain respondent No.1.

7. In these circumstances, this Court, does not find any irregularity or illegality in the orders passed by learned XIII Additional District Judge in awarding the maintenance as aforesaid.

8. There are no merits in the Criminal Revision Case and it is accordingly, dismissed.

Pending miscellaneous petitions, if any, shall stand dismissed.



Date: 30.8.2018

P. KESHAVA RAO,J

KPM