

HON'BLE SRI JUSTICE P. KESHA VA RAO

CRIMINAL REVISION CASE No. 1953 of 2018

ORDER

Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents 2 to 5.

The present criminal revision case is filed questioning the judgment passed in CrI.A.No.663 of 2016 in DVC No.14 of 2013 dated 04.12.2017 on the file of the Court of the XI Additional District and Sessions Judge, at Tenali, in awarding maintenance @ Rs.1,000/- per month to the second respondent and her three daughters @ Rs.1,000/- each per month.

The brief facts of the case are that the second respondent filed DVC No.14 of 2013 against the petitioner claiming various reliefs under Sections 18 to 20 of the Protection of Women from Domestic Violence Act, 2005 (for short 'the DV Act'). It is the case of the second respondent that she was married to the petitioner on 25.04.2003 as per Hindu rites and customs. At the time of marriage, her parents gave 50 cents of agricultural land and cash of Rs.20,000/- and 5 sovereigns of gold ornaments to her. Out of wedlock, they were blessed with three daughters. Subsequently, the petitioner along with his parents harassed the second respondent to bring additional dowry from her parents on the pretext that she gave birth to three daughters. In that connection, disputes arose between them and the petitioner necked out the second respondent along with her three daughters. In those circumstances, she filed domestic violence case. The petitioner filed counter admitting the relationship with the second respondent, but denied the material averments made in the petition. He has specifically stated that he is working as a van driver in Vivardhini Rural Development Educational Society at Kolakaluru village. He denied that the parents of the second

respondent presented 5 sovereigns of gold at the time of the marriage. In fact, he lived with the second respondent happily for 4 months. The second respondent failed to look after his parents and she was insisting to set up a separate family. The second respondent was under the influence of her mother and elder sister apart from other aspects. On enquiry, the DVC was partly ordered by orders dated 26.08.2016 directing the petitioner not to commit any act of domestic violence against the second respondent and her daughters and also further directed to pay monthly maintenance of Rs.1,000/- each to the second respondent and her three daughters. Aggrieved by the same, the first respondent in the DVC who is petitioner herein filed CrI.A.No.663 of 2016 on the file of the Court of the XI Additional District and Sessions Judge, at Tenali. The learned Sessions Judge after hearing both sides, dismissed the appeal confirming the orders passed by the learned Magistrate. Aggrieved by the same, the present criminal revision case is filed.

Learned counsel for the petitioner would contend that the second respondent prior to filing of the DVC No.14 of 2013, filed MC No.14 of 2011 on the file of the Court of the II Additional Judicial Magistrate of First Class, Tenali and they invited an order of maintenance at Rs.5,000/- per month for the second respondent and her three daughters. Subsequently, the present DVC is filed whereunder the petitioner is directed to pay a sum of Rs.4,000/- per month towards maintenance. In all, he is directed to pay the maintenance of Rs.9,000/- per month. However, the petitioner is working as driver and because of ill-health and back ache, he is doing a part time job as temporary driver in Vivardhini Rural Development Educational Society and earning Rs.3,000/- per month. The learned magistrate while awarding maintenance failed to consider the aspect that the second respondent and her three daughters have already been awarded maintenance in the M.C.No.14 of 2011. Per contra, the learned

counsel appearing for the respondents 2 to 5, supported the impugned order.

Having heard both the learned counsel and from the perusal of the material on record, it is revealed that the second respondent is legally wedded wife of the petitioner and out of wedlock, they were blessed with three daughters. Admittedly, the second respondent and her three daughters are not having any independent source of income to maintain themselves. They are totally depending on the petitioner. Looking at the recent cost of living and the rate of inflation, it is difficult for the second respondent and three daughters to maintain themselves with the meager amount of Rs.4,000/- paid by the petitioner. Even if the maintenance as awarded in M.C.No.14 of 2011 is also taken into consideration, the second respondent and her three daughters cannot sustain themselves, more particularly, when the three daughters of second respondent are going to school and incurring huge expenditure apart from household expenditure. In these circumstances, this Court is of the opinion that there are no merits in the criminal revision case, more particularly, in the light of the orders passed in CrI.R.C.No.283 of 2018, and therefore, this Court is not inclined to interfere with the orders passed by the learned Additional Sessions Judge.

Accordingly, the criminal revision case is dismissed.

Miscellaneous petitions, if any, pending in this criminal revision case shall stand dismissed.

P. KESHAVA RAO, J

Date:07.08.2018
Ccm

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