

THE HON'BLE SRI JUSTICE P. KESHA RAO
CRIMINAL REVISION CASE NO. 1937 OF 2010

ORDER:

The present Criminal Revision Case is filed questioning the orders passed in M.C.No.38 of 2008 dated 17.5.2010 on the file of the Court of the Judge, Family Court-cum-Additional District Judge at Mahaboobnagar awarding a sum of Rs.1,000/- p.m. towards maintenance from the date of filing of the petition till the date of the order and Rs.2,000/- p.m. towards maintenance from the date of the order apart from directing to pay the arrears of maintenance in six equal monthly instalments commencing from June, 2010.

2. The facts in brief are that respondent No.1 is the legally wedded wife of the petitioner. Their marriage was performed on 21.4.2008 as per the rites and customs prevalent in their community. At the time of marriage, the parents of respondent No.1 gave Rs.50,000/- as dowry and 3 ½ tulas of gold besides house hold articles worth Rs.20,000/- to the petitioner and his parents. After marriage, the petitioner started harassing respondent No.1 for additional dowry of Rs.50,000/- for purchasing an auto for livelihood. In that connection, a panchayat was held, wherein the petitioner bluntly refused to have marital relationship with respondent No.1. The petitioner

again demanded for additional dowry of Rs.50,000/-. In that connection, a crime was registered vide FIR.No.104 of 2008 under Section 498-A IPC read with 109 IPC and Section 4 of Dowry Prohibition Act. It is also the case of respondent No.1 that the petitioner was working in Prathibha Junior College as an attender and getting a salary of Rs.4,000/- p.m. The petitioner was also doing tailoring work and earning Rs.5,000/- p.m. The petitioner is having two houses and getting an income of Rs.2,000/- p.m. towards rents. In all, the petitioner was earning more than Rs.11,000/- p.m.

3. The petitioner filed counter denying the material allegations made in the maintenance case and contended inter-alia that there is no custom of giving any dowry in their community. In fact, the entire marriage expenses were borne out by the petitioner alone, apart from other aspects.

4. Learned Judge, Family Court, after considering the evidence, by orders dated 17.5.2010, awarded maintenance as indicated above. Aggrieved by the same, the present Criminal Revision Case is filed.

5. From the perusal of the material on record, it is revealed that the maintenance was awarded in the year 2010. From the appreciation of the evidence, it is clear that respondent No.1 has been neglected by the petitioner, and from the

evidence of PWs.1 and 2, it is revealed that respondent No.1 does not have any independent source of income and she has no means to survive on her own. The record further reveals that the petitioner, apart from getting salary, has other sources of income from tailoring work and from rents. In that view of the matter, the maintenance as awarded by the learned Judge, Family Court, does not suffer from any irregularity or illegality.

6. Therefore, there are no merits in the Criminal Revision Case and the same is dismissed.

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

Date: 14.9.2018

KPM



P. KESHA RAO,J