

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9300 OF 2018

ORDER:

The petitioner is respondent in M.C.No.8 of 2010 on the file of the Judicial First Class Magistrate, Mulug, of the then Warangal District under Section 125 Cr.P.C.

2. It is, after contest of the maintenance claim filed by his wife/ 2nd respondent for her and on behalf of two minor children/ respondents 3 and 4, by representing them the maintenance was awarded by order dated 01.02.2017.

3. Ex.R7 is one of the documents marked on 05.12.2016 in said MC, which is part of Ex.R6 document of so called compromise between wife and husband including minor children. Ex.R7 is relevant portion of the conditions, which read whatever the dowry of about Rs.2,00,000/- given at the time of marriage to the husband by wife and her parents is to be returned back to her. It is also resolved of deposit of Rs.5 lakhs by husband, which is the amount to be invested in the name of two daughters of each Rs.2,50,000/- and after their attaining majority only the said amount to be invested with accrued interest, they are entitled to take and in the meantime not to touch the amount and matrimonial grandfather take the burden of performing marriages to the two minors. It is also no doubt mentioned as clause No.4 of the Court cases to be withdrawn including to take divorce. It

is also mentioned in clause (1) of return of samans to the wife with husband.

4. From the above, there is nothing showing any amount given towards the maintenance of the wife or the two children. There is a clog even in payment of the amount to be invested in the name of two minors and not to touch and interest even after they attainment of majority. It is necessarily to mean till their attaining majority, the burden of maintaining cannot be affected, much less, absolve there from what all Rs.2 lakhs given to the wife, cannot be argued as full close of maintenance claim and the said amount not towards maintenance but return of the dowry given. Once such is the case, there is nothing for the maintenance order or even the revision dismissing by its confirmation for this Court to sit against in the present application.

5. Accordingly, the Criminal Petition is disposed of.

6. Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 23.11.2018
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