

THE HON'BLE SRI JUSTICE P. KESHA RAO
CRIMINAL REVISION CASE NO. 2234 OF 2014

ORDER:

A perusal of the docket proceedings reveals that on 11.11.2014, notice was ordered to respondent Nos. 2 and 3. Learned counsel for the petitioner was also permitted to take out personal notice by RPAD and file proof of service. When the matter was listed on 16.8.2018, there was no representation on behalf of the petitioner and the matter was posted to today under the caption, "For dismissal". Even today also, there is no representation on behalf of the petitioner.

2. The present Criminal Revision Case is filed questioning the orders passed in M.C.No.72 of 2013 dated 30.8.2014 on the file of the Court of Judge, Family Court, Warangal granting a sum of Rs.3,000/- p.m. towards maintenance to respondent No.3 from the date of the petition.

3. The facts in brief are that respondent No.2 is the legally wedded wife of the petitioner. Their marriage was performed on 29.1.2004. Out of their wedlock, they were blessed with respondent No.3. At the time of marriage, the father of respondent No.2 gave an amount of Rs.45,000/- and four tulas of gold besides jahez articles. But the petitioner started demanding additional dowry. Initially, the parents of

respondent No.2 paid additional dowry as and when demanded by the petitioner. On 16.4.2009, the petitioner has driven out respondent Nos. 2 and 3 from the matrimonial home. Since the respondent Nos. 2 and 3 have been neglected, they filed above said maintenance case claiming a sum of Rs.8,000/- p.m. towards maintenance. The petitioner is working as an auto driver and he being the owner of the auto, earns Rs.500/- per day i.e., Rs.15,000/- p.m.

4. The petitioner filed counter denying the averments made in the maintenance case. However, he made allegation that respondent No.2 demanded for a separate family. Respondent No.2 was not given any jahez articles. Respondent No.2 left his conjugal society on the ground that she was ill due to pregnancy and residing in her parents' house. After the birth of respondent No.3, when the petitioner requested respondent No.2, she refused to join the conjugal society. In fact, on 20.1.2005, District Khazi sent a letter to respondent No.2 for settlement of the dispute amicably. Though she received notice, she failed to attend. As far as his occupation is concerned, he has stated that he is eking out his livelihood by running auto on hire basis and earning Rs.200/- to Rs.250/- per day.

5. In order to prove their respective cases, respondent No.2 examined herself as PW1 and another person as PW2 and got marked Exs.A1 to A6 on her behalf. The petitioner examined himself as RW1 and another person as RW2 and got marked Exs.B1 to B5. Learned Judge, Family Court, after hearing the arguments and analyzing the evidence, allowed the maintenance case in part by orders dated 30.8.2014 granting a sum of Rs.3,000/- p.m. towards maintenance to respondent No.3 from the date of the petition and rejected the claim of respondent No.2. Aggrieved by the same, the present Criminal Revision Case is filed.

6. From a perusal of the material on record, the admitted facts are that the petitioner and respondent No.2 are husband and wife. Out of the wedlock, they were blessed with respondent No.3. Since the petitioner neglected them, they filed the above said maintenance case. In the maintenance case, respondent No.2 has categorically pleaded that the petitioner being an auto owner, is earning Rs.500/- per day i.e., Rs.15,000/- p.m. Though the petitioner has denied the same and stated that he is running auto on hire basis and earning Rs.200/- to 250/- per day, has not placed any evidence on record with regard to his means. In fact, the petitioner, being the husband and father of respondents 2 and 3 respectively, is

under legal and moral obligation to maintain them. Merely because he is running auto, does not mean that he will be absolved from maintaining respondent Nos. 2 and 3. On the other hand, the Court below rejected the claim of maintenance to respondent No.2 while granting maintenance to respondent No.3 @ Rs.3,000/- per month. Now a days, a sum of Rs.3,000/- per month, is hardly sufficient for a school going child, more particularly, looking at the present day cost of living and the rate of inflation.

7. Therefore, this Court does not find any merits in the Criminal Revision Case and the Criminal Revision Case is liable to be dismissed.

8. Accordingly, the Criminal Revision Case is dismissed.

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

P. KESHA RAO,J

Date: 21.8.2018

KPM