

THE HON'BLE Dr JUSTICE SHAMEEM AKTHER

Criminal Revision Case No.2694 of 2017

ORDER:

This Criminal Revision Case, under Sections 397 & 401 of the Code of Criminal Procedure, 1973, is filed by the petitioner, challenging the order, dated 09.08.2017, passed in M.C.No.106 of 2014 by the Judge, Family Court – cum – III Additional District Judge at Warangal.

2. Heard the learned counsel for the petitioner/husband and learned Assistant Public Prosecutor representing the 1st respondent-State. There is no representation for the respondents 2 to 4/wife and children. Perused the record.

3. The learned counsel for the petitioner/husband would submit that respondent No.2/wife has got illegal intimacy with one Shravan. She is a working woman. The said fact has been admitted by her in her cross-examination. The monthly salary of the 2nd respondent/wife is Rs.6,000/- to Rs.7,000/-. The Court below did not take these aspects into consideration and erroneously granted monthly maintenance of Rs.3,000/- to the 2nd respondent/wife and Rs.1,500/- each to respondents 3 and 4/minor children and ultimately prayed to allow the Criminal Revision Case.

4. As seen from the material available on record, though the petitioner/husband made several allegations of illegal intimacy between the 2nd respondent, who is his wife, and Shravan, but

he could not establish the same. There is evidence on record to show that the 2nd respondent/wife is living with her parents along with respondents 3 and 4, who are her children. There is an admission on part of the 2nd respondent/wife (P.W.1) that she is working in marketing from the date of her marriage and getting salary of Rs.6,000/- to Rs.7,000/- per month. Marriage between the petitioner and the 2nd respondent is not in dispute. Divorce said to have been taken place between the parties to the litigation cannot be a ground to deny maintenance to the wife and children. There is no evidence to show that the petitioner/husband has paid maintenance during 'iddat' period. Respondent No.2/wife has marked several documents as exhibits in support of her case to show the expenses being incurred by her and also by the respondents 3 and 4/children towards school fee etc. Respondent No.2 getting monthly salary of Rs.6,000/- to Rs.7,000/- is meagre and will not be sufficient to maintain herself and her children. The Court below has taken the same into consideration and awarded monthly maintenance of Rs.3,000/- to the 2nd respondent/wife and Rs.1,500/- each to respondents 3 and 4/children. It is the obligation of the petitioner/husband to maintain respondents 3 and 4, who are his children. He cannot deny maintenance to them. The Court below, while awarding maintenance in favour of respondents 2 to 4, had taken the cost of living, income of the petitioner etc., into consideration and ultimately awarded maintenance, which appears to be quite reasonable. It is not excessive. The cost of living now-a-days is high. There is justification in granting such

maintenance to the 2nd respondent/wife and respondents 3 and 4/children. This Court does not see any infirmity in the impugned order warranting interference under Sections 397 & 401 of Cr.P.C. The Criminal Revision Case is devoid of merit and is liable to be dismissed.

5. In the result, the Criminal Revision Case is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Revision Case, shall stand closed.

03rd April, 2018
Bvv

Dr. SHAMEEM AKTHER, J

