THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL REVISION CASE NO.2676 OF 2017

ORDER:

This revision is filed by the petitioners, who are sons of 1st respondent under Sections 397 and 401 Cr.P.C. challenging the order, dated 23.06.2017 in M.C.No.294 of 2014 on the file of the Addl. Metropolitan Sessions Judge for the trial of JHCBBC-cum-Addl. Family Court-cum-XXIII Addl. Chief Judge, Hyderabad, wherein maintenance of Rs.10,000/- per month was granted to the 1st respondent (petitioners 1 to 5 each directed to pay Rs.2,000/- per month).

2. Heard learned counsel for the petitioners, learned counsel for the 1st respondent and perused the record.

3. Learned counsel for the petitioners would submit that the petitioners are sons of 1st respondent. The 1st respondent has got lot of movable and immovable properties. Further, the 1st respondent has got three wives. The Court below had not taken the capability of the 1st respondent to make his living. The petitioners have no sufficient means to maintain their families. The petitioners are white ration card holders and ultimately, prayed to set aside the impugned order.

4. On the other hand, learned counsel for the 1st respondent would submit that the petitioners have snatched away the movable and immovable properties of the 1st respondent. After snatching away the properties, the 1st respondent was driven out of the house. The 1st respondent is aged person and incapable of even moving and ultimately, prayed to dismiss the revision.

5. As per the material placed before this Court, the petitioners remained ex parte. During the pendency of

maintenance proceedings before the Court below, the petitioners did not adduce evidence. As per the evidence on record, the petitioners driven out the 1st respondent from the house after snatching away the properties and constructed house etc., The mother of the petitioners is supporting them in that process. The 1st respondent is aged person, suffering from health problems and incapable of maintaining himself. There is also record to show that the petitioners did not attend the Court below and contest the matter. So the Court below was pleased to close their evidence and adjudicated the case on merits. There is no iota of evidence from the side of the petitioners to substantiate their contentions. The Court below acted upon the legally acceptable evidence. There is no mis-carriage of justice in granting maintenance at the rate of Rs.10,000/- per month to the 1st respondent. There is evidence to show that the petitioners have sufficient means to maintain themselves and their father-1st respondent. Merely because, the petitioners are white ration card holders, that itself would not dis-entitle the 1st respondent from claiming maintenance from the petitioners. The revision is devoid of merit and is liable to be dismissed.

6. Accordingly, the Criminal Revision Case is dismissed confirming the order, dated 23.06.2017 in M.C.No.294 of 2014 on the file of the Addl. Metropolitan Sessions Judge for the trial of JHCBBC-cum-Addl. Family Court-cum-XXIII Addl. Chief Judge, Hyderabad Miscellaneous petitions, if any pending in this Revision shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 09-04-2018.
Hsd