

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

CRIMINAL REVISION CASE No.652 OF 2019

ORDER:

This Criminal Revision Case under Sections 397 and 401 of the Code of Criminal Procedure, 1973, is filed by the petitioner-husband questioning the order dated 09.05.2019 passed in M.C.No.6 of 2014 by the IX Additional Metropolitan Sessions Judge, Hyderabad, whereby the learned Judge granted maintenance of Rs.6,000/- per month payable by the petitioner to the first respondent-wife.

2. Heard the learned counsel for the petitioner and perused the record.

3. As seen from the material available on record, divorce was granted between the parties in O.P.No.1254 of 2013. Though the first respondent pleaded before the Court below that the petitioner was earning Rs.50,000/- per month and he also owns properties, no evidence was adduced by her to justify the same. Petitioner pleaded before the Court below that the first respondent is working in a Jewellery shop and earning Rs.8,000/- per month. Court below also disbelieved the same since no evidence was produced. Thus, in the absence of any evidence from either side, the Court below granted a sum of Rs.6,000/- per month to R.1 towards maintenance. There is no contrary material before this Court to take a different conclusion and hold that the amount of Rs.6,000/- per month is not a reasonable sum and is on higher side. Even the case of the petitioner that he is working in a tyre re-trading Company is considered, it cannot be believed that he is

earning only Rs.6,500/- per month since all the establishments are required to pay minimum wages under Minimum Wages Act. The petitioner herein did not choose to examine the Proprietor who issued Ex.P.1 salary certificate and the petitioner also failed to prove that he is working in the said shop. The amount granted by the Court below is reasonable and the same does not call for interference by this Court.

4. In these circumstances, the Criminal Revision Case is dismissed at the stage of admission. However, four weeks time is granted to the petitioner to pay arrears to R.1, if any.

Miscellaneous Petitions, if any, pending in this revision shall stand closed.

CHALLA KODANDA RAM, J

1st July, 2019.

sur