

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL REVISION CASE No.1686 of 2018

ORDER :

This Criminal Revision case is filed under Sections 397 and 401 Cr.P.C. challenging the order, dated 02.05.2018 in M.C.No.91 of 2017 on the file of the Judge, Family Court at L.B. Nagar, Ranga Reddy District, wherunder and whereby the petition filed under Section 125 Cr.P.C. seeking maintenance was allowed directing the petitioner herein to pay maintenance at the rate of Rs.20,000/- per month to the 1st respondent.

2. Heard the learned counsel for the petitioner, the learned counsel for the 1st respondent and perused the material on record.

3. Learned counsel for the petitioner submits that the order passed by the trial Court is perverse and palpable. He further submits that the petitioner is paying Rs.100/- per month to the 1st respondent and the same is credited to the account of the 1st respondent and the 1st respondent is also collecting rents for pent house. He further submits that the petitioner insured the medical claim of 1st respondent and he is eligible to claim medical bills even though he himself is claiming the amount for medicines as maintenance. He further submits that the petitioner was transferred from America to Bangalore and drawing less salary and he has to maintain his family, as

such, he is not in a position to pay huge amounts as maintenance to the 1st respondent. He further submits that the 1st respondent himself admitted that he is staying with his elder son at free of rent. He further submits that the petitioner requested the 1st respondent several times to reside with him, but he refused to reside with him and the 1st respondent in collusion with his elder son, trying to grab the valuable property of the petitioner and hence, he prays to allow the revision by setting aside the impugned order.

4. On the other hand, learned counsel for the 1st respondent submits that the trial Court after considering both oral and documentary evidence produced by both the parties, rightly granted maintenance to the 1st respondent and absolutely there are no grounds to interfere with the impugned order.

5. It is not in dispute that the petitioner is the younger son of the 1st respondent. It is also not in dispute that the wife of the 1st respondent died on 15.03.2008 due to cancer.

6. As seen from the record, it is clear that the 1st respondent worked as driver in IDPL and took voluntary retirement on 31.01.2003 and out of meager income, he educated both his children and they completed B.Tech. He also sent the petitioner to US for his higher studies by incurring huge debts from his friends and relatives. The

petitioner pursued his education in US from 2007 to 2009 and thereafter, started earning from 2009. Though the petitioner was earning at US, he did not send any amount towards treatment of wife of 1st respondent. His elder son got employment in the year 2006 at Bangalore and he was looking after him and his wife and also spent huge amount for treatment of his wife. The petitioner neglected the responsibility of the 1st respondent who is a retired person and aged more than 65 years. The 1st respondent discharged the debts incurred towards education of the petitioner and he also performed the marriage of the petitioner in the year 2014. The petitioner instead of sending money towards maintenance, purchased the property by spending Rs.4 crores and also purchased Benz Car and living lavish life in US. The petitioner in spite of having sufficient means, neglected to maintain the 1st respondent as the petitioner is earning more than Rs.7 lakhs per month. In spite of having sufficient means, the petitioner sent meager amount, which is not at all sufficient for the treatment of the wife of the 1st respondent.

7. As can be seen from the evidence, the petitioner and his brother together purchased the house, It is admitted by the petitioner that he has been staying in the 2nd floor of the building for the past 8 months. The petitioner states that he sent Rs.6,00,000/- towards the treatment of his mother during the year 2009 and 2010

and he also sent Rs5,00,000/- to his brother for marriage and to prove the same, he filed Exs.R1 to R3, which show several transactions and transfer of amounts. The petitioner himself admitted that the 1st respondent is suffering from diabetes and hypertension and he needs constant medication. Admittedly, the petitioner is staying in the same building where the 1st respondent and his elder son are staying. Though it is contended that the 1st respondent is collecting rents from ground floor, the petitioner did not place any evidence nor examined the tenants of the buildings to prove the same. Since the petitioner is working as Software Engineer and also worked in abroad, he must be earning sufficient amount, but he neglected to maintain the 1st respondent. Therefore, the trial Court after considering the entire material on record, granted maintenance at Rs.20,000/- per month. I do not find any illegality or irregularity in the order passed by the trial Court warranting interference of this Court. Hence, the revision fails and is liable to be dismissed.

8. Accordingly, the Criminal Revision Case is dismissed confirming the order, dated 02.05.2018 in M.C.No.91 of 2017 on the file of the Judge, Family Court at L.B. Nagar, Ranga Reddy District. Miscellaneous petitions, if any pending shall stand closed.

JUSTICE G.SRI DEVI

DATED: 24.12.2019.
Hsd



