

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL REVISION CASE No.1941 OF 2018

O R D E R:

This Criminal Revision Case, under Sections 397 and 401 of Cr.P.C, is filed by the petitioner/husband aggrieved by the grant of maintenance to the respondents 2 and 3/wife and son @ Rs.2,000/- and Rs.1,500/- per month, respectively, by the Family Court-cum-Additional District & Sessions Court at Nizamabad in M.C.No.48 of 2016, dated 21.03.2018.

2. Heard the learned counsel for the revision petitioner/husband, Additional Public Prosecutor for the respondent No.1/State, learned counsel for respondents 2 and 3/wife and son and perused the record.

3. It is contended by the learned counsel for the revision petitioner/husband that the maintenance granted in favour of respondents 2 and 3/wife and son is excessive and the respondent No.2/wife had deserted the revision petitioner and filed D.V.C case and also another case under Section 498-A of I.P.C. That the revision petitioner/husband was harassed by the respondent No.2/wife for one reason or the other without any justification and ultimately prayed to set aside the interim maintenance granted by the Court below in M.C.No.48 of 2016 dated 21.03.2018.

4. In view of the submissions made, the following point arose for determination:

“Whether the maintenance granted by the impugned order dated 21.03.2018 in M.C.No.48 of 2016 by the Family Court-cum-Additional District & Sessions Court at Nizamabad is liable to be set aside?

5. As per the records, the revision petitioner is the husband of the second respondent. There is no bar to grant maintenance even after the decree of divorce is granted. Even grant of Aasara pension @ Rs.1,000/- to the respondent No.1/wife is not a ground to deny the maintenance. As seen from the record, both the respondents 2 and 3/wife and son have no source of income to eke out their livelihood. In such an event, it is the bounden responsibility of the revision petitioner/husband to maintain his wife and son. The Court below was pleased to grant an amount of Rs.2,000/- and 1,500/- towards monthly maintenance in favour of respondents 2 and 3/wife and son respectively. It is not excessive. Now-a-days, the cost of living is so high. Therefore, there are no grounds to interfere with the impugned order. The revision petition is devoid of merit and it is liable to be dismissed.

6. Accordingly, the revision petition is dismissed. Miscellaneous petitions, if any pending, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 15.3.2019
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