

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE No.2952 of 2017

ORDER :

Heard both sides.

2. The revision is impugning the order of the learned Family Court Judge-cum-III Additional District Judge, Warangal, in M.C.No.38 of 2016, dated 19.06.2017, awarding Rs.10,000/- per month to wife and major daughter, a student of M.Tech.

3. In fact, nearly one year passing of the maintenance order supra, the daughter is married. What Section 125(1) (c) Cr.P.C. speaks of major daughter also entitled to maintenance if not married, provided there is any infirmity because of any physical or mental abnormality or injury therefrom shown unable to maintain. It is not such a case, leave apart she already prior to the filing of the maintenance case completed her B.Tech and major.

4. Having regard to the above, awarding of maintenance to the major daughter, who was by the time the petition filed aged 25 years, completed B.Tech and capable of earning and also student of M.Tech, thereby to that extent the order granting maintenance at Rs.10,000/- per month to the 3rd respondent, who is the 2nd petitioner in M.C. liable to be set aside.

5. So far as the monthly maintenance of Rs.10,000/- per month to the wife concerned, even from the contention of the revision petitioner, who is the respondent in M.C., is working as a police head constable and what he claims is he is under suspension and it is not his

case that he is not getting four times to Rs.10,000/- per month awarded as maintenance to the wife even as subsistence allowance, for the settled expressions of the Apex Court are clear that the maintenance be up to 1/4th of the earnings of the husband can be granted to the wife. Having regard to the above, there is nothing to interfere with the quantum of Rs.10,000/- per month maintenance awarded to the wife.

6. Accordingly, the revision is allowed in part while dismissing the revision so far as the maintenance awarded to the wife concerned, allowed the revision setting aside the order granting maintenance to the major daughter. Time granted for payment of all arrears within two months from today, failing which the wife-1st petitioner in the M.C. is entitled to the maintenance, by virtue of the order supra, entitled to enforce for its recovery.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

4th April 2019

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