

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE TWENTIETH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

CRIMINAL REVISION CASE NO: 1284 OF 2007

Criminal Revision Case, under Section 397 & 401 of Cr.P.C. against the
Order dated 13-06-2007 in M.C.No. 30 of 2006, Judge Family Court, Secunderabad.

Between:

Mrs.S.Bhagyawathi, W/o. S.Moshi, Housewife, R/o. H.No. 28/2, Saperlane, Mudfort,
Balamrai, Secunderabad.

...PETITIONER

AND

1. S.Moshi, S/o. S.Pothuraju, Driver, Garsion Engineer (NB), Visakhapatnam.
2. The State of A.P., rep.by Public Prosecutor, High Court of A.P., Hyderabad.

...RESPONDENTS

CRLRCMP. NO: 738 OF 2008

Between:

S.Moshi,, S/o. S.Pothuraju, Driver, Garsion Engineer (NB), Visakhapatnam.

...PETITIONER/ RESPONDENT No. 1

AND

1. Mrs.S.Bhagyawathi,, W/o. S.Moshi , Housewife, R/o. H.No. 28/2, Saperlane,
Mudfort, Balamrai,
2. The State of Andhra Pradesh represented by Public Prosecutor, High Court of
Andhra Pradesh, Hyderabad.

RESPONDENT / PETITIONER

...RESPONDENT/RESPONDENT No.2

Petition under Section 151 CPC praying that in the circumstances stated in
the affidavit filed in support of the petition, the High Court may be pleased to vacate
the interim direction passed in CrI.R.C.No.1284 of 2007 dated 19.11.2007 by this
Hon'ble Court directing the respondent to pay of Rs.3,000/- to the petitioner.

Counsel for the Petitioner: SRI DHULIPALLA V A S RAVI PRASAD

Counsel for the Respondent No.1: Smt. P. VIJAYA KUMARI

Counsel for the Respondent No.2: PUBLIC PROSECUTOR

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CRIMINAL REVISION CASE No.1284 of 2007

ORDER:

The present Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C., questioning the order dated 13.06.2007 passed by the learned Judge, Family Court, Secunderabad, dismissing M.C.No.30 of 2006 by refusing to grant maintenance to the petitioner.

The case of the petitioner is that the marriage between herself and respondent was took place on 28.05.1969 as per Christian rites and customs and they were blessed with son and daughter; that the respondent is a womanizer and right from the beginning, he used to pick up quarrels without any reason; that she herself is maintaining the family by borrowing money from her relatives; that she performed her daughter's marriage on 07.10.2005 by taking loan and that the respondent is working as a Driver in M.E.S. and is drawing Rs.10,000/- per month apart from owning land admeasuring Ac.1.50 cents and a house at Komagiripatnam, East Godavari District.

The learned Family Judge, after going through the oral and documentary evidence on record observed that the petitioner on her own volition has left the respondent; that she has refused to vacate the official residence allotted to the respondent, though he was transferred from Visakhapatnam, resulting in rents being

deducted by the Department; that there is no justifiable reason for the respondent to live separately; that the respondent was required to take care of the family with the meager resources; that in their cross-examination, R.Ws.2 and 3 denied the suggestion that the respondent is behaving indecently with the other women; that as per Exs.B3 and B4 coupled with the evidence of P.W.1, the mother of the respondent was unwell and the petitioner herself was not cooperating with the family and that there is no evidence adduced by the petitioner with respect to the earning capacity of the respondent and thereby, held that there is no justifiable reason for grant of maintenance to the petitioner.

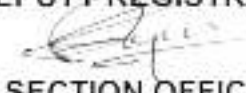
In view of the facts and circumstances of the case, this Court does not find any illegality in the order under Revision warranting interference by this Court.

The Criminal Revision Case is accordingly dismissed.

Miscellaneous petitions, if any, pending in this revision shall stand dismissed. There shall be no order as to costs.

SD/- M.VIJAYA BHASKAR
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Judge, Family Court, Secunderabad.
2. One CC to Sri Dhulipalla V A S Ravi Prasad, Advocate [OPUC]
3. One CC to Smt. P. Vijaya Kumari, Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at, Hyderabad [OUT]
5. Two CD Copies

MP



HIGH COURT

DATED:20/02/2020



ORDER

CRL.R.C.No.1284 of 2007

DISMISSING THE CRIMINAL REVISION CASE

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HLMA
20/4/2020,