

HONOURABLE JUSTICE G.SRI DEVI

CRL.R.C.No.528 of 2020

ORDER:

This Criminal Revision Case is directed against the order, dated 10.03.2020, passed in Crl.M.P.No.62 of 2018 in M.C.No.169 of 2012 on the file of the Judge, Family Court, L.B.Nagar, Ranga Reddy District, wherein the Court below enhanced the monthly maintenance from Rs.5,000/- to Rs.8,000/- to the 1st respondent herein and Rs.3,000/- to Rs.7,000/- to the 2nd respondent herein from the month of filing of the petition i.e., February, 2018.

The facts in brief, are as under:-

The 1st respondent herein is the wife and the 2nd respondent herein is the daughter of the revision petitioner/husband. Respondent Nos.1 and 2 herein filed M.C.No.169 of 2012 claiming Rs.75,000/- towards their maintenance. The said M.C. was allowed on 06.06.2017 awarding monthly maintenance of Rs.5,000/- to the 1st respondent herein and Rs.3,000/- to the 2nd respondent herein from the date of petition. Thereafter, respondent Nos.1 and 2 filed Crl.M.P.No.62 of 2018 under Section 127 of Cr.P.C. seeking enhancement of the maintenance amount from Rs.5,000/- to Rs.20,000/- to the 1st respondent and Rs.3,000/- to Rs.10,000/- to the 2nd respondent herein. Having regard to the facts and circumstances and in view of escalation of prices and increase in the rate of inflation, the said petition was partly allowed by the trial Court

directing the revision petitioner to pay monthly maintenance at Rs.8,000/- to the 1st respondent and Rs.7,000/- to the 2nd respondent herein commencing from February, 2018. Challenging the same, the present Criminal Revision Case is filed.

Heard Sri C.M.R.Velu, learned Counsel appearing for the revision petitioner; Sri Jithender Rao Veeramalla, learned Counsel appearing for respondent Nos.1 and 2; the Assistant Public Prosecutor, appearing for respondent No.3 and perused the record.

The point that arises for consideration is “Whether respondent Nos.1 and 2, who are the wife and daughter of the revision petitioner, are entitled to the enhanced maintenance as awarded by the trial Court”.

As seen from the record, there is no dispute with regard to the relationship of the revision petitioner with respondent Nos.1 and 2. It is also not in dispute that the trial Court initially awarded monthly maintenance of Rs.5,000/- to the 1st respondent herein and Rs.3,000/- to the 2nd respondent in the main M.C. vide order dated 06.06.2017 and aggrieved by the same, the revision petitioner filed Crl.R.C.No.2501 of 2017 before this Court and the same is pending for adjudication and no interim orders have been passed in the said revision. During pendency of the said revision, respondent Nos.1 and 2 have filed Crl.M.P.No.62 of 2018 seeking enhancement of the maintenance. The trial Court, while considering the contentions of

both the parties, recorded a finding that the revision petitioner himself admitted that his wife and daughter are dependents and they have no income of their own and that he has not filed any documents to show the bank deposits or the earnings of his wife. On perusal of the impugned order, while enhancing the monthly maintenance, the trial Court observed in Para No.10, which reads as under:-

“ 10. It is significant to note that the limited scope of enquiry for enhancement of maintenance, since maintenance was already granted in the main case filed as M.C.No169 of 2012 it is only the change of circumstances that have to be considered. Admittedly, the main maintenance case that was filed in the year 2012 was ordered granting maintenance to the first petitioner @ Rs.5,000/- per month and to the second petitioner @ Rs.3,000/- per month. The present petition for enhancement is filed in February, 2018 that is nearly six years after filing the original petition for maintenance. There is no hesitation to hold that with the lapse of time there is escalation of prices, increase in the rate of inflation, the prices of all the goods and services are increased and as extracted by me above, the respondent himself admitted that the petitioners 1 and 2 are dependants and have no income of their own. He himself admitted that he has not filed any document to show the bank deposits or the earnings of petitioner No.1 and petitioner No.2 is a girl child, she has been prosecuting her studies. With the growing of age it is quite expected that the needs of the petitioner No.2 also would grow and it is essential that the same have to be met to the status of her parents. The respondent either may be a practicing advocate or a Software job holder he is considered as having social status and recognition with that back ground.”

In *Bhuwan Mohan Singh vs. Meena*¹, the Apex Court held that "the concept of sustenance does not necessarily mean to lead the life of an animal, feel like an unperson to be thrown away from grace and roam for her basic maintenance somewhere else. She is entitled in law to lead a life in the similar manner as she would have lived in the house of her husband. That is where the status and strata come into play, and that is where the obligations of the husband, in case of a wife, become a prominent one. In a proceeding of this nature, the husband cannot take subterfuges to deprive her of the benefit of living with dignity. Regard being had to the solemn pledge at the time of marriage and also in consonance with the statutory law that governs the field, it is the obligation of the husband to see that the wife does not become a destitute, a beggar. A situation is not to be maladroitly created where under she is compelled to resign to her fate and think of life "dust unto dust". It is totally impermissible. In fact, it is the sacrosanct duty to render the financial support even if the husband is required to earn money with physical labour, if he is able-bodied. There is no escape route unless there is an order from the court that the wife is not entitled to get maintenance from the husband on any legally permissible grounds."

In the instant case also, the revision petitioner himself admitted that he is having one plot at Puttoor of Chittor District and also owning a flat at Bangalore. It is not in dispute that the order of

¹ (2015) 6 SCC 353

maintenance was passed in the year 2017 and the order of enhancement of maintenance has been passed in the year 2020 on the basis of the application filed by respondent Nos.1 and 2 in the year 2018. As per Ex.P1, the 2nd respondent was studying Intermediate and the amount of Rs.3,000/- which was awarded to her by the trial Court in the main M.C. is certainly not sufficient to meet her educational expenses and other needs and further the prices of essential commodities have also been increased many times. Above mentioned factors are within the purview of the term change of circumstances. These are the justified grounds to enhance the amount of maintenance which was granted in the year 2017.

In the light of the observations and reasons mentioned above, I am of the view that the trial Court was fully justified in granting enhancement of maintenance and there is no infirmity in the impugned order. Hence, I am not inclined to interfere with the impugned order passed by the trial Court.

Accordingly, the Criminal Revision Case is dismissed.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE G.SRI DEVI

03.09.2021
Gsn/gkv.

