

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL REVISION CASE No.66 OF 2020

ORDER:

This Criminal Revision Case is filed by the petitioner, who is the respondent in MC No.41 of 2018, aggrieved by the order dated 22.09.2019 on the file of the Judge, Family Court cum Additional Sessions Judge, Khammam, directing the petitioner to pay maintenance of an amount of Rs.60,000/- @ Rs.10,000/- per month to the 2nd respondent for a period of six months only and Rs.10,000/- per month to the 3rd respondent from the date of the order.

2. The parties are hereinafter referred as arrayed before the trial court in MC No.41 of 2018.

3. The 1st petitioner i.e. 2nd respondent herein, filed a petition under Section 125 Cr.P.C. before the VI Additional District Judge (Family Court), Khammam, stating that she was the 2nd wife of the respondent, her first marriage ended in divorce and she was having a female child with her first husband. She obtained an *ex parte* divorce decree from her first husband and after taking divorce, the family members of both the parties entered into an agreement regarding the

child and as per the agreement, her first husband was looking after the child. After she got a Lecturer job with her qualifications, the elders of her family made a proposal for her second marriage. At that time, the respondent approached the parents of the petitioner and after completely knowing about the facts of the 1st petitioner's first marriage and about the first girl child and after going through the divorce papers, he agreed for the marriage and their marriage was performed on 08.06.2017 as per the Hindu rites and rituals at Khammam. At the time of marriage, her parents paid an amount of Rs.3,00,000/- towards dowry and presented gold and silver ornaments and also provided household articles. Her parents spent an amount of Rs.10,00,000/- towards marriage expenses. She joined the respondent at Hyderabad. She got a job at Teegala Ramireddy College at Meerpet. The respondent was having high academic degree getting scholarship and working as a lecturer and was earning nearly Rs.50,000/- per month. But, he never spent money for the petitioner and used to take amounts from the petitioner's salary. He used to suspect the chastity of the 1st petitioner and to use filthy language with her. He used to behave in a psychopathic manner and used to compare with the first husband of the 1st petitioner and to subject her to mental

agony and torture. He necked out the 1st petitioner demanding additional dowry. Having no other option, the petitioner went to her parents' house at Khammam. The respondent came along with his family members to the parents' house of the 1st petitioner and threatened her with dire consequences. Scared about his attitude, the 1st petitioner lodged a complaint with the Mahila Police Station, Khammam on 30.12.2017. The respondent sent a legal notice for which she gave a reply. Panchayat was also conducted by the elders, but in vain. The 1st petitioner was carrying 5th month pregnancy at the time of filing the petition. She was unable to attend the job as she needed to take bed rest as per the doctor's advise and requested for maintenance of Rs.25,000/- per month.

4. The respondent filed counter before the trial court denying the averments of taking dowry or the amount spent towards marriage expenses. He contended that the petitioner completed M.Pharmacy and while working as Lecturer in TRR College of Pharmacy earning Rs.24,000/- per month as salary. She stayed with him only for 50 days i.e. from 31.07.2017 to 19.09.2017. She left his company without any reason. After three months, she filed a case before the

Women Police Station, Khammam against him and his family members. Later, she worked in Pulipati Prasad College of Pharmacy, Khammam and was drawing Rs.18,000/- per month as salary. He was doing his research in Potti Sriramulu Telugu University, Nampalli, Hyderabad. The 1st petitioner was earning handsome amount to maintain herself and was not dependent on any others.

5. Before the Family Court, the 1st petitioner examined herself as PW.1 and Exs.A1 to A7 were marked on her behalf. No oral or documentary evidence was adduced by the respondent.

6. On considering the oral and documentary evidence on record, the Family Court awarded an amount of Rs.60,000/- @ Rs.10,000/- per month to the 1st petitioner, only for the maternity leave period as she would not be in a position to work for the said period and as the petitioner delivered the child (2nd petitioner) during the pendency of the petition, awarded Rs.10,000/- per month to the 2nd petitioner from the date of the order.

7. Aggrieved by the said order of awarding maintenance to the petitioners 1 and 2, the respondent preferred this revision contending that the learned Judge erred in considering that in reply notice dated

20.02.2018 the petitioner stated that the respondent was not earning anything for the family necessities and sitting idle at home all the day and harassing her. It was contrary to her own statement in the complaint, wherein it was stated that he was earning Rs.50,000/- per month. Actually, he was not having any income as on the date and he had completed his Ph.D. program and was looking for a job. He was eking his livelihood by taking tuitions and was getting very meager amount. The learned Judge erred in not considering that the petitioner was working in a college and was getting monthly income and that he was not having any job and erred in passing an order for maintenance of Rs.60,000/- to the 1st petitioner and directing him to pay Rs.10,000/- per month to the 2nd petitioner, which was a huge amount to maintain a small child in Khammam town and prayed to set aside the order dated 22.10.2019 passed in MC No.41 of 2018 by the trial court.

7. Heard learned counsel for the revision petitioner – respondent and the learned counsel for the respondents 2 and 3 - petitioners.

8. Perused the order of the trial court.

9. Though the respondent contended that the 1st petitioner was working as a Lecturer in Pulipati Prasad College of Pharmacy, Khammam and was earning Rs.18,000/- per month as a salary, failed to file any documentary proof in support of the same. Likewise, the petitioner also though contended that the respondent was working as a lecturer and was earning Rs.50,000/- per month, failed to file any documentary evidence in support of the same. Both the parties failed to file any documentary proof with regard to their income and came up with allegations that the other party was working and was earning and was having sufficient means. Both the parties are highly educated. The petitioner is stated to have studied M.Pharmacy and the respondent was stated to have completed his Ph.D. Even in the absence of any evidence with regard to the income proof of both the parties, the Family Court, Khammam had granted only Rs.60,000/- to the 1st petitioner considering that she would not be in a position to work and maintain herself during her maternity leave period. She was awarded maintenance only for a period of six months @ Rs.10,000/- per month though she claimed Rs.25,000/- per month towards her maintenance. The Family Court awarded Rs.10,000/- per month to

the 2nd petitioner. The said amount is considered not on higher side considering the high cost of living and the status of the parties.

10. Learned counsel for the revision petitioner i.e. respondent filed a certificate issued by the Potti Sreeramulu Telugu University dated 28.11.2019 to show that the National Fellowship granted to the revision petitioner – respondent was suspended from 31.03.2019 as per their records. However, as the revision petitioner had not come up with the true facts in his petition as to the amount of scholarship awarded to him or the income from his part-time lecturer job or as to his job and income after completing his Ph.D., it cannot be considered that he was not earning anything and was sitting idle. As such, it is considered fit to dismiss the revision case confirming the orders passed by the trial court in MC No.41 of 2018 dated 22.10.2018.

11. In the result, the Criminal Revision Case is dismissed confirming the order dated 22.09.2019 on the file of the Judge, Family Court cum Additional Sessions Judge, Khammam.

Pending miscellaneous petitions, if any, shall stand closed.

Dr. G. RADHA RANI, J

November 21, 2022
KTL