

**THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
AND
THE HON'BLE SMT. JUSTICE JUVVADI SRIDEVI**

FAMILY COURT APPEAL No.146 OF 2009

JUDGMENT: (Per the Hon'ble Dr.SA,J)

This appeal is filed aggrieved by the order, dated 25.03.2009 passed in M.C.No.323 of 2007 by the Additional Family Court, Hyderabad, whereby the subject M.C. filed by the respondents/wife and son under Section 125 Cr.P.C. claiming monthly maintenance from the appellant/husband was partly allowed with a direction to the appellant/husband to pay monthly maintenance of Rs.1,500/- to each of the respondents/wife and son.

2. On 30.03.2022, as there was no representation for both sides, this Court was pleased to post this matter today "for orders". In spite of the same, there is no representation for the appellant/husband.

3. Heard the learned counsel for the respondents/wife and son and perused the record.

4. The subject M.C. was filed by the respondents/wife and son of the appellant/husband under Section 125 Cr.P.C. seeking

maintenance and it was allowed *vide* impugned order dated 25.03.2009 granting monthly maintenance at Rs.1,500/- to each of the respondents/wife and son from the date of petition, i.e., 20.12.2007. The respondent No.2-son is entitled for maintenance, till he attains the age of majority. Aggrieved by the said grant of maintenance, the present appeal is filed by the appellant/husband.

5. The question that is required to be determined in this appeal is whether the respondents/wife and son are entitled for maintenance of Rs.1,500/- each per month as ordered in the impugned order dated 25.03.2009.

6. There is evidence of P.W.1 to establish that she and her son have no sufficient means to live. There is also evidence that the appellant-husband deserted the respondent Nos.1 and 2 and failed to maintain them. There are other documents, such as, Ex.P1-Marriage photograph, Ex.P2-Wedding card, Ex.P3-copy of FIR, Ex.P4-copy of charge sheet and Ex.P5-copy of divorce in O.P.No.238 of 2007. The Court below while dealing with the subject matter of the Maintenance Case held that the appellant-husband had sufficient means to pay maintenance to the respondents, i.e., wife and son. In view of the status and cost

of living, as it is escalating day by day, the grant of maintenance by the Court below as indicated above, is not excessive and it is quite reasonable. Under these circumstances, all the grounds raised in the appeal do not merit consideration.

7. Accordingly, the Family Court Appeal is dismissed.

Miscellaneous petitions pending, if any, shall stand closed.
There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

JUVVADI SRIDEVI, J

Date: 04.04.2022
ssp