

THE HON'BLE DR. JUSTICE D.NAGARJUN

CRIMINAL REVISION CASE No.1909 of 2011

ORDER:

This revision case is filed by the petitioner, who is the husband of respondent No.1 and father of respondent No.2 herein, aggrieved by the orders dated 30.05.2011 passed in M.C.No.64 of 2010 by the trial Court in awarding an amount of Rs.2,500/- per month to the respondent No.1, who is his wife, and Rs.2,000/- to respondent No.2, who is the son of the petitioner.

2. The facts in brief which are not in dispute are that the marriage of respondent No.1 was performed with the petitioner on 18.06.2007 as per Muslim rites and customs at Hyderabad. At the time of wedding, the parents of respondent No.1 have given Rs.50,000/- to the petitioner as dowry, two wheeler and household articles worth Rs.1 lakhs and spent Rs.2,50,000/- for performing the marriage. After joining the matrimonial home, the petitioner herein addicted to bad vices, used to come home in drunken condition, abused respondent No.1 and beat

her and harass her for want of additional dowry. Ultimately, respondent No.1 was sent out of the house and since then she is residing with her parents' house.

3. It is alleged in the main M.C. in the trial Court that the petitioner was getting Rs.64,000/- per month and was also getting Rs.1,500/- per month towards rent. It is alleged that the petitioner and his brother were doing business in manufacturing boxes and supplying them to military department and gets Rs.3,20,000/- in all per month. They are also having own house at Moulali which gets rent of Rs.3,000/- per month and a shop at Yapral which also gets rent of Rs.5,000/- per month.

4. On the contrary it is mentioned in the M.C. that respondent No.1 has no source of income and therefore, sought for grant of maintenance.

5. The trial Court on considering the entire material on record has found that respondent No.1 has no source of income and the petitioner, who has got source of income

from his business and also from the rents, directed to pay monthly maintenance as stated above.

6. Aggrieved by the same, the petitioner has filed this revision on the following grounds:

a. The trial Court has not considered that respondent No.1 is doing work and earning money and also failed to considered that the petitioner is only earning Rs.2,000/- per month in metal sheet work. It is also stated that the trial Court has failed to consider that respondent No.1 has failed to attend the 40 days ceremony of his father in spite of sending information. Respondent No.1 has voluntarily left the company of the petitioner and all the efforts made by him to get her back found futile.

7. Heard both sides and perused the record.

8. Now, the point for determination is whether the order dated 30.05.2011 passed in M.C.No.64 of 2010 can be set aside?

9. There is no dispute that the petitioner is the husband of respondent No.1 and respondent No.2 is the son of petitioner and respondent No.1. The trial Court on considering the entire evidence available on record has felt that there is no source of income to respondent No.1. The petitioner herein has produced evidence in the form of Exs.B1 to B3. On the other hand, the petitioner has produced Exs.A1 to A3. However, the petitioner has not filed any document or not produced any oral evidence to show that respondent No.1 was earning money. Though it is mentioned by the petitioner in the counter that respondent No.1 is earning Rs.2,000/- per month by doing tailoring work, no material is placed to that extent.

10. Similarly, the petitioner himself has admitted that he has got a own house and a shed, which is being run by himself and his brother. The trial Court has rightly observed that though the petitioner has admitted to have been earning meager amount, still the observation that in the case like this, when the people are working in an unorganized sector for which there will not be any evidence

in respect of earning, the trial Court has rightly observed that the people will be very conservative in giving details of their income. Therefore, basing on the material, both oral and documentary, available before the trial Court, the trial Court has not committed any error in concluding that the petitioner herein has to pay Rs.2,500/- and Rs.2,000/- per month to respondent Nos.1 and 2 respectively towards monthly maintenance.

11. It is to be noted that these orders were passed in the year 2011. As on that date respondent No.1 was 25 years old and now she must be 36 years old and respondent No.2 is 2 years old and she must be 13 years old. Basing on the requirements of those days, the trial Court has awarded Rs.2,500/- and 2,000/- per month to respondent Nos.1 and 2 respectively. But, now on account of the fact that they have grown up and respondent No.2 must be learning in the school, she requires more money and during these days even in the revision also the petitioner has not filed any document to show that respondent No.1 is earning and thereby she does not require any maintenance. Similarly,

in all these 11 years, the petitioner has not filed any petition to reduce the monthly maintenance on the ground that he has no income.

12. Considering the circumstances, this Court finds no merit in the revision to interfere and accordingly, the criminal revision case is dismissed.

Miscellaneous applications, if any, shall stand closed.

DR. D.NAGARJUN, J

Date: 01.11.2022
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