

HON'BLE SMT. JUSTICE G. ANUPAMA CHAKRAVARTHY

Crl.R.C.No.130 OF 2022

ORDER :

This Criminal Revision Case is filed against the order dated 20.12.2021, in M.C.No.441 of 2016, on the file of Additional Metropolitan Sessions Judge for the Trial of Jubilee Hills Car Bomb Blast Case-Cum-Additional Family Court-Cum-XXIII Additional Chief Judge-Cum-IX Additional Metropolitan Sessions Judge, Hyderabad. The petitioner herein is the respondent in M.C.No.441 of 2016.

2. For the sake of convenience, the parties herein are arrayed to as they are referred in the trial Court.

3. Initially, Maintenance Case has been filed by the petitioner/wife against the respondent/husband under Section 125 Cr.P.C seeking monthly maintenance of Rs.50,000/- from the date of petition.

4. In nutshell, the brief facts of the petition are that in the year, 2011, the respondent proposed the petitioner when they were studying in Geethanjali Engineering And Technology College. The

petitioner refused his proposal. In spite of it, the respondent continued his proposal saying that he belongs to a very highly qualified, educated family and that his father works in Microsoft as Software Engineer and his mother is also well educated. Thereafter, their marriage was performed on 27.04.2013 as per muslim rites and customs and they started leading marital life in a separate house at Borabanda. Further, the respondent did not permit the petitioner to visit his parent's house saying that they will not accept her, as they are too rich. The respondent was jobless and he was dependent on the salary of the petitioner since the date of marriage and started harassing the petitioner physically and mentally. Furthermore, the respondent used to beat her, took all her personal details including ATM card, passport and IDs and that the respondent took Rs.35,000/- from her, for outstanding EMI, forced her to give all her money and also pressurized to apply for loan in the bank. Accordingly, she applied for personal loan for Rs.2,50,000/- in HDFC and Rs.1,50,000/- in ICICI bank. The respondent also forced the petitioner to take loan from Bajaj finance and took television worth of Rs.35,000/- which was delivered to her parent's house. It is further contention of the petitioner that the respondent took away

all her gold ornaments, tortured the petitioner and did not allow the petitioner to speak to anyone at her work place and due to constant harassment, the petitioner was constrained to file a case against the respondent vide Crime No.148 of 2016 on the file of P.S.Dabeerpura, which is pending. It is specially contended in the petition that the respondent is a Software Engineer in a company and drawing salary of Rs.1,00,000/- p.m. and apart from that he is having own house and getting income by way of rent to a tune of Rs.20,000/-.

5. On the other hand, the respondent filed a detailed counter before the trial Court admitting his marriage with the petitioner, but denied all other allegations. It is specifically averred in the counter that the petitioner is a Software Engineer in NTT Data Global Services, Madhapur and is earning upto Rs.1,00,000/- p.m. and he being a Mechanical Engineer has been undergoing internship on payment of Rs.10,000/- p.m., in Hyundai Company and the said company promised him to regularize his pay scale after completion of his internship. It is further averred that due to false complaints filed by the petitioner, he has not attended the internship properly

and therefore, he has no financial source. The counter further discloses that the respondent filed O.P.No.1332 of 2012, for Restitution of Conjugal Rights and the same is pending. Finally, the respondent prayed to dismiss the petition as the petitioner herself had means to maintain herself.

6. On behalf of the petitioner, petitioner herself was examined as P.W.1 and Exs.P-1 to P-5 were got marked and on behalf of the respondent, respondent himself got examined as R.W.1 and Ex.R-1 got marked.

7. On considering the oral and documentary evidence and also the rival contentions of both the parties, the trial Court have come to a conclusion that petitioner is entitled for the maintenance from the respondent but not as prayed by her and partly allowed the maintenance petition directing the respondent to pay Rs.8,000/- p.m. to the petitioner towards her maintenance from the date of filing of the petitioner. Further, the trial Court directed the respondent to pay arrears of maintenance from the date of filing of the petition to till date of order, within three months and also directed him to continue to pay the regular maintenance on or before 5th of every succeeding

month from the month of December, 2021. The trial Court has also directed the petitioner to open savings bank account in any nationalized bank of her choice and furnish the account number to the respondent for compliance of the order.

8. Being aggrieved by the orders of the trial Court, the present Revision Case is filed.

9. This Court vide order dated 25.02.2022 have come to a conclusion that the petitioner/wife in her cross-examination has categorically admitted that she was working in a software company prior to 2016 and she used to get an amount of Rs.20,000/- per month and hence suspended the impugned order dated 20.12.2021 in M.C.No.441 of 2016. After receipt of notice, the respondent/wife has filed a vacate stay petition contending that she was not cross-examined with regard to her salary or as to whether she is presently working or not? She specifically contended in her chief affidavit that she was not working and previously used to earn upto Rs.3,00,000/- when she worked and that the counsel for the petitioner projected falsely, as if she was working and drawing salary of Rs.3,00,000/- p.m. Considering the same, the trial Court

has suspended the maintenance awarded to her. It is further contended that this Court granted blanket stay with an observation that the respondent admitted that she was working as a Software Engineer and drawing upto Rs.20,000/- p.m. In fact, she is not having any financial capacity as she was not working. Therefore, prayed to vacate the interim order of this Court.

10. It is the specific plea of the petitioner/wife that she is a house lady and not having any source of income and unable to maintain herself and that she required Rs.50,000/- maintenance which can be easily paid by the revision petitioner as he was working in a reputed company and drawing a salary of Rs.1,00,000/- p.m. and was also owning a house and is getting of rent of Rs.20,000/- p.m.

11. Perusal of the record, it is evident that the petitioner/wife that previously, she used to earn an amount of Rs.3,00,000/- p.m. but presently is not working and unable to maintain herself.

12. Section 125 Cr.P.C clearly discloses that any person can file a petition, when he or she is unable to maintain himself/herself if they are neglected by husband/parents or children. Even the law says

that it is the foremost duty of the husband to maintain his wife and child.

13. As per the counter of the respondent, he is working in Hyundai Company and is getting upto Rs.10,000/-p.m. as internship and that the said Company promised to regularize his pay scale. The amount awarded by the trial Court is only Rs.8,000/- and considering the cost of living as on today, the amount which was awarded by the trial Court is very reasonable and therefore there are no merits to interfere with the orders of the trial Court in M.C.No.441 of 2016.

14. With the above observations, this Criminal Revision Case is dismissed as devoid of merits.

Pending miscellaneous applications, if any, shall stand closed.

G.ANUPAMA CHAKRAVARTHY, J

Date: 27.02.2023
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