

THE HONOURABLE SMT. JUSTICE P.SREE SUDHA

CRIMINAL REVISION CASE No.1089 of 2009

JUDGMENT :

A perusal of proceedings dated 06.07.2022 would show that Sri Y. Krishna Mohan Rao, the counsel on record, has given up vakalat. Later, notice was issued to the petitioner with a direction to appear before the Court on 03.08.2022, but he did not turn up on that day or even today. Perused the record.

2. This Criminal Revision Case, filed against the Order dated 25.04.2009 in L.S.A.No.44 of 2004 in L.A.No.89 of 2004 passed by the learned Judge, Family Court-cum-Additional District Judge, Khammam.

3. Respondent No.1-wife filed application in Crl.M.P.No.28 of 2008 under Section 127 Cr.P.C., seeking enhancement of maintenance against the petitioner-husband. It seems that in view of compromise before Lok Adalat,

an amount of Rs.1,000/- per month, was granted to respondent No.1. But, later she filed this application for enhancement contending that petitioner-husband is working as Panchayat Secretary, in M.D.O. Office, Madhira, and getting a net salary of Rs.7,000/- per month, and therefore, she claimed enhancement of Rs.6,000/- per month. Petitioner stated that his son and daughter are residing with respondent No.1 and the petitioner has given Ac.11-23 gts., and Ac.9-33 gts., respectively, which are fetching income of Rs.80,000/- per annum, on lease. As on the date of settlement i.e., 07.08.2004, the son of respondent No.1 was student, but later, he had completed Engineering and is working in Swarna Bharathi Engineering College and drawing Rs.10,000/- per month. Respondent No.1 is having own house bearing No.4-2-473 (147/1), Mamatha College Road, Khanapuram Haveli, Khammam and the petitioner had contributed Rs.5,00,000/- for construction of the said house. Now, she had let out two rooms and earning

Rs.2,000/- per month. Respondent No.1 is also having Ac.2-00 gts., of agricultural land given by her parents and fetching Rs.10,000/- on lease. The trial Court after considering both sides, enhanced the monthly maintenance from Rs.1,000/- to Rs.3,000/- per month. Aggrieved by the same, the revision petitioner preferred the present criminal revision.

4. As seen from the record, both the parties entered into compromise before the Legal Services Authority. The properties were also divided between himself and his wife and children and the petitioner/husband also agreed to pay the maintenance. As the matter was once settled, now it is not open for respondent No.1 to claim enhancement of the maintenance amount.

5. Petitioner-husband in his counter before the trial Court clearly stated that agricultural lands were given to the son and daughter who are living with respondent No.1 and he

also stated that now his son became major and earning. He further stated that respondent No.1 is residing in her own house along with her children and also let out a portion and getting rents. She is also having agricultural lands given by petitioner. Admittedly, the matter was settled before Lok adalat wherein lands were given to respondent No.1 and her children. Apart from that, the petitioner agreed to pay Rs.1,000/- per month, towards maintenance. Once the matter was settled, the question of enhancement of compensation again by way of petition before trial Court does not arise. Even at the time of filing maintenance case, children were in Intermediate and later got employment. Therefore, the reasons stated by respondent No.1 for enhancement of compensation are not proper and the revision is liable to be set aside.

6. In the result, Criminal Revision Case is allowed. The impugned order of the trial Court is set aside.

7. Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE P.SREE SUDHA

Date: 03.02.2023

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