

THE HONOURABLE SMT. JUSTICE P.SREE SUDHA

CRIMINAL REVISION CASE No.677 of 2010

ORDER:

This Criminal Revision Case is filed to set aside the Order dated 30.01.2010 in M.P.No.1154 of 2009 in M.C.No.213 of 2007 on the file of the learned Additional Metropolitan Sessions Judge for the trial of JHCBBC cum Additional Family Court cum XXIII Additional Chief Judge, Hyderabad.

2. Today when the matter came up for hearing, the learned Counsel for the petitioner stated that petitioner herein is not in contact with him.

3. Perusal of the record shows that this application was filed for maintenance of minor child aged about 2 years at the time of filing the application in M.C.No.213 of 2007. The marriage between the mother of minor petitioner and the respondent in main case was performed in the year 2002 and the petitioner was born on 16.10.2005. The mother of the minor petitioner got Khula with the respondent on 03.12.2005. They entered into a settlement agreement on 25.06.2005 and in pursuance of the same, the respondent/father paid Rs.70,000/-. It seems in

M.C.No.213 of 2007 monthly maintenance of Rs.2,000/- was granted for minor petitioner, but respondent/father filed M.P.No.1154 of 2009 in M.C.No.213 of 2007 for reduction of monthly maintenance from Rs.2,000/- to Rs.700/- per month and the said application was dismissed by Order dated 30.01.2010. Aggrieved by the said Order, the present Criminal Revision Case is preferred.

4. The respondent/father mainly contended that as he entered into Settlement Agreement and paid Rs.70,000/- to the mother of the petitioner, he need not pay any amount for maintenance.

5. It is for him to challenge the Order in M.C.No.213 of 2007, but he has not challenged the said Order and only asked for reduction of maintenance amount which was dismissed. Therefore, his argument that he already paid Rs.70,000/- cannot be accepted now. In the affidavit copy, the occupation of the respondent/father was shown as A/C Mechanic and he is also doing Bakery items supply business and he is also having immovable property in the city and getting Rs.25,000/- per month.

6. Admittedly, the respondent/father performed another marriage and blessed with two children. As such, the trial Court after considering all factors rightly dismissed the application for reduction of maintenance amount and there is no infirmity in the said Order and it needs no interference.

In the result, the Criminal Revision Case is dismissed confirming the Order of the trial Court in M.P.No.1154 of 2009 in M.C.No.213 of 2007 dated 30.01.2010.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE P.SREE SUDHA

DATED: 27.01.2023
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CRIMINAL REVISION CASE No. 677 of 2010

DATED: 27.01.2023

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