

**THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL****CRIMINAL REVISION CASE No.671 OF 2019****O R D E R:**

This Criminal Revision Case is filed aggrieved by the order dated 13.02.2019 in F.C.M.C.No.10 of 2016 on the file of the learned Judge, Family Court-cum-Additional District & Sessions Judge, at Karimnagar (for short, “the trial Court”).

2. Heard Mr.V.Srikantha Rao, learned counsel for the petitioner and Mr.Ponnam Ashok Goud, learned counsel for respondent No.1.

3. The brief facts of the case are that the marriage between petitioner and respondent No.1 was performed on 29.11.2012 at Karimnagar. The petitioner stated that at the time of marriage, her parents gave an amount of Rs.6,00,000/-, one Motor Bike, furniture and other house hold articles worth Rs.2,50,000/- towards dowry to respondent No.1. She further submitted that respondent No.1 subjected her to cruelty and harassment for want of additional dowry and when she failed to bring the same, he necked her out from the matrimonial home. As the petitioner was unable to bear such harassment, she filed domestic violence case vide D.V.C.No.48 of 2016 against respondent No.1. It is

further stated that the petitioner possessed no source of income for her livelihood and hence, she filed maintenance case against respondent No.1, seeking maintenance. The trial Court, vide impugned order, dismissed the application filed by the petitioner herein seeking maintenance against her husband, by stating that the petitioner failed to prove that respondent No.1 neglected or refused to maintain her and that the petitioner, on her own accord, left the society of her husband. Aggrieved by the same, the petitioner preferred the present Revision.

4. Learned counsel for the petitioner contended that the trial Court without appreciating the evidence available on record in proper perspective, erroneously passed the impugned order, which is untenable. To substantiate his contention, learned counsel relied upon the decisions passed by the Hon'ble Supreme Court in **Laxmi Bai Patel Vs. Shyam Kumar Patel**<sup>1</sup>, **Shome Nikhil Danani Vs. Tanya Banon Danani**<sup>2</sup> and **Chandrabhushan Vs. Savita Bai**<sup>3</sup> and seeks to set aside the impugned order.

5. Learned counsel for respondent No.1 submitted that the petitioner voluntarily left the society of her husband and the trial

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<sup>1</sup> 2002 LawSuit (SC) 262

<sup>2</sup> 2019 SCC OnLine SC 2247

<sup>3</sup> 2021 SCC OnLine Chh 3771

Court after appreciating the evidence available on record in proper perspective rightly passed the impugned order. Hence, the interference of this Court is unwarranted and he seeks to dismiss the Revision.

6. On behalf of the petitioner, the trial Court examined PWs.1 to 3 and marked Exs.P1 and P2. On behalf of respondent No.1, RWs.1 and 2 were examined and Exs.R1 and R2 were marked. Upon careful scrutiny of the oral and documentary evidence, the trial Court observed that the petitioner voluntarily left the society of her husband and respondent No.1, never neglected or refused to maintain her. Except making averments in the petition, there is no proof filed by the petitioner, to show that her parents gave cash and other articles as dowry to respondent No.1. The evidence of PWs.1 and 2 discloses that the petitioner put conditions on respondent No.1 stating that she would join his society only if he would put up a basket shop by investing an amount of Rs.2,00,000/-, to give her seven (7) tulas of gold articles and to put up a separate family with her abandoning his parents. The trial Court further observed that respondent No.1 filed an application seeking restitution of conjugal rights against the petitioner and his consistent efforts to cohabit with her have

gone in vain. Therefore, the learned Judge of the trial Court opined that the petitioner failed to aver and prove that respondent No.1 neglected or refused to maintain her and that she is unable to maintain herself and thus, rendered the impugned judgment.

7. This Court vide order dated 02.07.2019, stated that no order directing respondent No.1, to pay interim maintenance can be granted, as the trial Court found that the petitioner herself left the company of her husband. Later, the matter underwent several adjournments.

8. Having regard to the submissions made by both the learned counsel and on perusal of the material available on record, it can be seen that respondent No.1 is a labour and earning meager amount for his livelihood and he is under an obligation to maintain his parents as well. The petitioner, failed to join the society of respondent No.1, inspite of filing an application for restitution of conjugal rights and failed to prove that he was neglected by her husband. Hence, I do not find perversity or illegality in the impugned order and the Revision is liable to be dismissed.

9. Accordingly, the Criminal Revision Case is dismissed.

Miscellaneous Petitions, pending if any, shall stand closed.

Date: 01.07.2024  
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**E.V. VENUGOPAL, J**