

M.C.No12 of 2025
D.O.D: 06.05.2026

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J.F.C.Magistrate Court,
Peddapuram.

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE ::
PEDDAPURAM::

Present : Smt.L.Devi Rathna Kumari,
Judicial First Class Magistrate, Peddapuram.
Wednesday, the 06th day of May, 2026

M.C.No.12 of 2025

Between:-

- 1. Dasari (Siridella) Naga Mounika Devi,** W/o.Dasari Jagadeesh Chandra Vara Prasad, D/o.Saridella Trimurthulu, 26 yrs, housewife, D.No.2-123/1, Uppalapadu, Gandepalli Mandal. Gandepalli P.S. Limits.
- 2. Dasari Tanvi Viswanadha Rohitaksh Satya,** S/o.Dasari Jagadeesh Chandra Vara Prasad, 3 yrs, D.No.2-123/1, Uppalapdu , Gandepalli.

(Being minor represented by his mother i.,e 1st petitioner)
...Petitioners.

Vs.

Dasari Jagadeesh Chandra Vara Prasad, S/o.Appa Rao, 36 yrs, Senior Software Employee, D.No.3-9, Opp.Panchayat Office, Ganganapalli, Kakinada Rural Mandal, Sarpavaram P.S.Limits.

.....Respondent.

This petition having coming before me for final hearing in the presence of Sri M.S.N.Murthy, Advocate for the petitioners and respondent remained exparte and the matter having stood over for consideration till this day, this court delivered the following:-

ORDER

- 1.** This petition is filed by the petitioners under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (old Section 125 Cr.P.C.) seeking maintenance from the respondent.

2. The case of the petitioners, in brief, is that the 1st petitioner is the legally wedded wife of the respondent and the 2nd petitioner is their minor son. It is alleged that after marriage, the respondent subjected the 1st petitioner to cruelty and ultimately deserted the petitioners without providing any maintenance. The 2nd petitioner is stated to be suffering from Autism Spectrum Disorder and requires continuous medical care. It is further contended that the respondent is working as a software employee and earning substantial income but has neglected to maintain the petitioners.

3. The respondent, though served with notice, remained absent and was set ex parte.

4. In order to prove their case, the 1st petitioner examined herself as P.W.1 and reiterated the averments made in the petition.

Ex.P1 – Certified copy of deposition of the respondent in HMOP No.405/2023 was marked.

The evidence of P.W.1 remained unchallenged as the respondent did not choose to contest the matter.

5. **The point for consideration is:**

Whether the petitioners are entitled to maintenance, and if so, to what extent.

6. It is not in dispute that the 1st petitioner is the wife and the 2nd petitioner is the minor son of the respondent. The evidence of P.W.1 coupled with Ex.P1 clearly establishes the marital relationship and

paternity of the 2nd petitioner. The respondent himself, in Ex.P1, admitted his employment as a software engineer and his earning capacity. He also admitted that the minor child is suffering from Autism.

7. The evidence on record further shows that the petitioners are living separately. There is no material to show that the petitioners are having any independent source of income. On the other hand, the respondent, being an able-bodied person, is legally bound to maintain his wife and minor child.

8. Though the petitioners have claimed higher amounts towards maintenance, there is no cogent documentary proof regarding the exact income of the respondent as claimed. However, taking into consideration the admissions in Ex.P1, the nature of employment of the respondent, the needs of the 1st petitioner, and particularly the medical and other expenses required for the minor child suffering from Autism, this Court is of the view that the claim requires to be allowed partly.

9. Having regard to the facts and circumstances of the case, the cost of living, and the needs of the petitioners, this Court deems it just and reasonable to award a sum of Rs.10,000/- per month to the 1st petitioner and Rs.25,000/- per month to the 2nd petitioner towards interim maintenance.

10. In the result, the petition is partly allowed, thereby directing the respondent to pay monthly maintenance of Rs.10,000/- (Rupees Ten Thousand only) per month to the 1st petitioner, and Rs.25,000/- (Rupees Twenty Five Thousand only) per month to the 2nd petitioner, from the date of this petition. The respondent is further directed to pay the maintenance on or before 10th of every month without fail.

Prepared by me on my personal laptop, corrected and pronounced by me in open court, on this day of 06th day of May, 2026.

J.F.C. MAGISTRATE,
PEDDAPURAM.

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

For Petitioners:

P.W.1 : D.Naga Mounika Devi

For Respondent : - Exparte -

DOCUMENTS MARKED

For Petitioners :

Ex.P1: Certified copy of the deposition of the respondent as PW1 in HMOP.NO.405 of 2023 on the file of Hon'ble Principal Senior Civil Judge at kakinada.

For Respondent : Nil

J.F.C.M, PDP