

IN THE COURT OF THE ADDITIONAL JUDICIAL MAGISTRATE OF FIRST CLASS ::
GIDDALURPresent: **Smt. B.Mary Sara Danamma,**
Addl. Judl. Magistrate of First Class, Giddalur*Monday, the Thirty First (31st) day of October, 2022***M.C. No. 41 of 2021****Between:**

1. Tupakula Ramanamma, W/o. Sreenivasulu, aged about 40 years, R/o. 7-72, Kothapalli, Salakalaveedu Village, Besthavaripeta Mandal, Prakasam Distict Now residing in her parents house at C/o. Mariboina Mukunda, D.No.2-29/1, Reddy Nagar, Besthvaripeta village and Mandal, Prakasam District.
2. Tupakula Venkata Srikala, D/o. Sreenivasulu, aged about 16 years, Minor, rep by her mother 1st petitioner.

.....Petitioners**And**

Thupakula Sreenivasulu, S/o. Venkataiah, aged about 48 years, Military Employee, Army No. JC-561150P Rank: Sub/CK Unit: 2 Bihar, Pin910502
c/o. 99APO

.....Respondent

This petition is coming on **21-10-2022** for final hearing before me in the presence of **Sri A.Thirumala Prasad** , Advocate appearing for Petitioners and the Respondent is **set ex-parte**, and having stood over for consideration till this day, this court delivered the following:

:-:O R D E R:-:

1. The 1st and 2nd petitioners (herein after called as the petitioners) have filed this petition against the respondent, prays to grant monthly maintenance of Rs.30,000/-(Rupees Thirty thousand only) to the 1st petitioner and Rs.20,000 (Rupees Twenty thousand only) to the 2nd petitioner for their livelihood, food, clothing and shelter from the date of filing of this petition and to direct the respondent to pay the said amount regularly..

2. The brief averments of the petition are:

The petitioner married the respondent on 15-06-1998 at his residence in Kothapalli Village, Besthvaripeta Mandal, as per Hindu rites and customs. At the time of marriage, the parents of the petitioner gave an amount of Rs.2,00,000/- cash and 5 thulas gold to the respondent as dowry and marriage compliments. Later the marriage was consummated at Kothapalli Village, Besthavaripeta Mandal to lead happy marital life at the house of respondent. During their wedlock they blessed with a 2 daughters. The petitioner and the respondent lived happily for a period of five years only.

Later the respondent addicted to bad vices like drinking and debauchery and used to demand additional dowry of Rs.5,00,000/-. The parents of the respondents also provoked him in demanding additional dowry from the 1st petitioner. When the 1st petitioner informed the same her parents, they paid Rs.2,00,000/- to the respondent as additional dowry. In spite of the giving of said amount also the respondent and his parents did not satisfied and continued their ill-treatment for getting additional dowry without providing proper food and clothing the petitioners. Afterwards they looked after the petitioners property for some period and again started to ill treat the 1st petitioner for additional dowry. Even though the 1st petitioner adjusted with her husband and continued the conjugal life. But there is no change in respondent and his family members.

The 1st petitioner and her parents convened panchyat before elders to receive the petitioner and look after them properly. But the respondent did not listen to their words and went his working unit, leaving the petitioners in Kothapalli village in the house of petitioners. . The 1st petitioner submitted that for the last one year the 1st petitioner along with her children are eking out their livelihood by depending on her parents. She had no source of income of her own. The parents of the 1st petitioner are not in a position to maintain the petitioners. Now the present living conditions that 1st petitioner

requires Rs.30,000/- per month and 2nd petitioner require Rs.20,000/- each per month for their study, maintenance and shelter. The respondent neglected and deserted her and her children. The respondent failed to provide minimum food and cloths to them. They are living at the mercy of her father. As such she is unable to maintain herself and her children.

The petitioner further submitted that the respondent is working as a Sub/CLK in Indian Army at Bihar and drawing salary of Rs.75,000/- per month. Further he is having 2 houses at R.Kothapalli Village, Besthvariepta Mandal, Prakasam District. Further the respondent is also having Ac.10.00 cents in R.Kothapalli Village, Besthvaripeta Mandal, which is worth about Rs.50,00,000/-. Hence, the respondent is having means to pay maintenance to her. Hence, filed this petition.

3. On 28-09-2022, the Respondent was called absent and no representation. Hence, Respondent was set ex-parte.

4. The Petitioner herself examined as **PW.1**, got marked **Exs.P1 and Ex.P2 on her behalf**.

5. Now the point for determination is: -

'Whether the Petitioners are entitled for maintenance from the Respondent and if so, to what amount?'

6. Heard the arguments of counsel for petitioner.

7. **POINT: -**

The petitioner, in her affidavit filed in lieu of chief examination, reiterated the contents of her petition stating that petitioner married the respondent on 15-06-1998 at his residence in Kothapalli Village, Besthvaripeta Mandal, according to Hindu rites and customs. The marriage was consummated at Kothapalli Village Besthvaripeta Mandal, Prakasam District to lead happy marital life at the house of respondent. During their wedlock they blessed with a 2 daughters. The petitioner and the respondent lived happily for a period of five years only.

Later she joined the respondent at Kothapalli Village, Prakasam District, respondent is working in Indian Army. They lived happy marital life for about 5 years only. Afterwards the respondent addicted to bad vices like drinking and debauchery and used to demand additional dowry of Rs.5,00,000/-, when the 1st petitioner informed the same to her parents, they paid Rs.2,00,000/- to the respondent as additional dowry. She beard all the torture of the respondent with a hope of change in the attitude of the respondent. He beat the petitioner indiscriminately and necked away her out of the house along with the 2nd petitioners. Having no other way she came to her parents house and living at the mercy of her parents and siblings. Now she is eking her livelihood at the mercy of her sisters and brothers. She is not able to maintain herself and the children. Hence, filed this petition to grant maintenance for her livelihood.

The petitioner further submitted that respondent is as a Sub/CLK in Indian Army at Bihar and drawing salary of Rs.75,000/- per month. Further he is having 2 houses at R.Kothapalli Village, Besthvariepta Mandal, Prakasam District. Further the respondent is also having Ac.10.00 cents in R.Kothapalli Village, Besthvaripeta Mandal, which is worth about Rs.50,00,000/-. As such, the respondent is having means to pay maintenance to her. Hence, filed this petition.

8. The unchallenged testimony of the Petitioner proved the contentions of the Petitioner as alleged in the petition.

9. Considering the present day cost of living and the capacity of the Respondent to pay maintenance, this Court is inclined to grant a reasonable monthly maintenance to the Petitioner, so as to enable her to eke out her livelihood and for the welfare of her children.

10. **In the result**, this petition is allowed in partly by granting the monthly maintenance of petitioner No.1 for Rs.15,000/- (Fifteen Thousand Rupees only) and for Rs.15,000/- (Fifteen Thousand Rupees only) to the 2nd petitioner,

per month. Total maintenance amount of Rs.30,000/-(Thirty Thousand Rupees) payable by the respondent. The respondent is directed to pay the total maintenance amount of Rs.30,000/- to the 1st and 2nd petitioners on or before 10th day of every month without fail.

Typed to my dictation by the Personal Assistant, corrected and pronounced by me in open Court, this the 31st day of October 2022.

**ADDL. JUDICIAL MAGISTRATE OF FIRST CLASS,
GIDDALUR**

Appendix of Evidence
Witnessed examined

For Petitioners:

PW.1: Tupakula Ramanamma.

For Respondent:

Ex-parte

Exhibits Marked

For Petitioners:

Ex.P1: Wedding Card.

Ex.P2: Two Colour photographs joint.

For Respondent:

- NIL -

A.J.M.F.C., GDLR.