

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.942 OF 2015

ORDER:

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1. This revision case is filed by the petitioner challenging the order dated 4.2.2015 passed in CrI.M.P.No.469 of 2014 in M.C.No.375 of 2013 by the Additional Metropolitan Sessions Judge for the Trial of JHCBBC-cum-Additional Family Court-cum-XXIII Additional Chief Judge, Hyderabad.

2. The 2nd respondent is the legally wedded wife and the 3rd respondent is the daughter of the petitioner. Respondents 2 and 3 filed the above M.C. for maintenance. During the pendency of the same, they filed the above CrI.M.P.No.469 of 2014 under Section 125(1) Cr.P.C. against the petitioner claiming interim maintenance of Rs.10,000/- p.m., each. Considering the earning capacity of the petitioner, the trial Court allowed the above CrI.M.P. directing the petitioner to pay a sum of Rs.2,500/- p.m., to the 2nd respondent and Rs.2,000/- p.m., to the 3rd respondent towards maintenance. Aggrieved by the same, the petitioner filed the present revision case.

3. Learned Counsel for the petitioner submitted that the petitioner is a daily wage labour and he is not having any other means and that he is having old aged mother and four minor children of his first wife and that the maintenance awarded by the trial Court is excessive.

4. Considering the facts and circumstances of the case and in view of the pendency of the maintenance case, this Court is inclined to pass the following order:

- i. The trial Court is directed to proceed with the above maintenance Case i.e., M.C.No.375 of 2013 and dispose of the same as early as possible.
- ii. Till then, the petitioner is directed to pay maintenance at the rate of

Rs.1,250/- p.m., to the 2nd respondent and Rs.1,000/- p.m., to the 3rd respondent commencing from the month of July, 2015, on or before 10th of every succeeding month;

- iii. The petitioner is further directed to pay 50% of the arrears of maintenance awarded by the trial Court to respondents 2 and 3, within a period of three months from the date of receipt of a copy of this order.
- iv. The above order does not stand in the way of the trial Court in passing appropriate final orders in the above M.C.

With the above direction, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 15.06.2015

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DATED 15th JUNE, 2015.

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