

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

Criminal Revision Case No. 1942 of 2013

Order:

This Criminal Revision Case is directed against the orders, dated 31.07.2013, passed in CrI.M.P. No. 651 of 2013 in M.C. No. 98 of 2013 by the learned Additional Metropolitan Sessions Judge for trial of JHCBBC-cum-Additional Family Court-cum-XXIII Additional Chief Judge, Hyderabad, whereby and whereunder the learned Judge has dismissed the petition to grant interim maintenance to the petitioner-wife on the ground that she was already awarded a sum of Rs.1,000/- per month towards interim maintenance in CrI.M.P. No.1002 of 2012 in DVC No.325 of 2012, dated 07.02.2013, by the learned III Metropolitan Magistrate, Hyderabad.

Heard both sides and perused the material on record.

Learned counsel appearing for the petitioner-wife submits that the amount awarded by the lower Court in DVC is not adequate and, hence, the petitioner-wife may be awarded interim maintenance in the Maintenance Case.

If the maintenance awarded by the competent Court in DVC is not adequate, the petitioner-wife is at liberty to make an application for enhancement of the said maintenance amount, but she cannot again file another petition for grant of maintenance in the Maintenance Case, that too during the pendency of the DVC case and, admittedly, when the second respondent-husband is regularly paying the interim maintenance amount of Rs.1,000/- per month as awarded in DVC. The learned Family Court Judge, on proper appreciation of the entire material on record, has rightly refused to grant interim maintenance and there is no illegality or irregularity in the impugned order passed by the Court below warranting interference of this Court. There are absolutely no merits in the revision case and the same is liable to be dismissed.

Accordingly, the Criminal Revision Case is dismissed. However, the learned

Family Court Judge shall endeavour to dispose of M.C. No. 98 of 2013 as expeditiously as possible, preferably within a period of six (6) months from the date of receipt of a copy of this order.

As a sequel thereto, the miscellaneous petitions, if any, pending in the Criminal Revision Case shall stand closed.

M.S.K. JAISWAL, J.

Date: 18.06.2015

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