

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL REVISION CASE No.1154 OF 2016

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C. challenging the order dated 04.02.2016 passed in Criminal Appeal No.1075 of 2015 on the file of the Court of the Additional Metropolitan Sessions Judge, Cyberabad at L.B.Nagar, Ranga Reddy District, wherein and whereby, confirmed the order, dated 29.10.2015 in CrI.M.P.No.1660 of 2015 in D.V.C.No.8 of 2015 on the file of the Judicial Magistrate of First Class, Special Mobile Court-cum-XI Metropolitan Magistrate, Cyberabad, L.B.Nagar.

2. The contention of the learned counsel for the petitioner is two fold: (1) The Courts below granted interim maintenance of Rs.10,000/- per month to the second respondent without taking into consideration the financial status of the petitioner, and (2) The orders passed by the Courts below are not sustainable either in law or on facts.

3. *Per contra*, the learned counsel for the second respondent submitted that as per the findings of the Courts below, the second respondent has no source of income of whatsoever. He further submitted that granting interim maintenance of an amount of Rs.10,000/- per month to the second respondent is not on higher side.

4. The facts leading to filing of the present revision are briefly as follows:

The marriage of the second respondent was performed with the petitioner in the year 1993. In the year 1997, the petitioner and the second respondent went to U.S.A. and stayed there upto 2012. Disputes arose between the parties in the year 2012. The petitioner came to India in the year 2012, whereas the second respondent came to India in the year 2014. The second respondent filed D.V.C.No.8 of 2015 on the file of the Judicial Magistrate of First Class, Special Mobile Court-cum-XI Metropolitan Magistrate, Cyberabad, L.B.Nagar against the petitioner seeking various reliefs under Sections 18 to 21 of the Protection of Women from Domestic Violence Act, 2005. The second respondent also filed CrI.M.P.No.1660 of 2015 in D.V.C.No.8 of 2015 seeking interim maintenance of Rs.20,000/- per month. The petitioner opposed the petition by filing counter. After affording a reasonable opportunity to both parties, the trial Court allowed the petition on 29.10.2015 by granting interim maintenance of Rs.10,000/- per month to the second respondent from the date of the petition.

5. Feeling aggrieved by the same, the petitioner filed Criminal Appeal No.1075 of 2015 on the file of the Court of the Additional Metropolitan Sessions Judge, Cyberabad at L.B.Nagar, Ranga Reddy District. The first appellate Court, after affording a reasonable opportunity to both parties, arrived at a conclusion that the second respondent is entitled for interim maintenance of Rs.10,000/- per month and accordingly dismissed the appeal. Hence, this revision.

6. There is no dispute with regard to *inter se* relationship of the parties. The petitioner is a highly qualified person. It is not the case of the petitioner that the second respondent has any source of

income or property. It is also not the case of the petitioner that the second respondent is an employee. The Courts below gave a *prima facie* finding that the second respondent has no source of income of whatsoever. I am fully agreeing with the finding recorded by the Courts below.

7. The question that falls for consideration is whether granting interim maintenance of an amount of Rs.10,000/- per month to the second respondent is on higher side or not?

8. The Court has to take into consideration the financial status of both parties while disposing of this type of matters. Admittedly the second respondent is residing at her parents' house in Hyderabad. Being a Software Engineer, the petitioner may get a fat salary. There is a social and moral obligation on the part of the petitioner to provide reasonable amount to the second respondent towards her maintenance. Taking into consideration the educational qualification and social status of the petitioner, I am of the considered view that granting of an amount of Rs.10,000/- per month towards interim maintenance of the second respondent is not on higher side. There is no illegality or irregularity in the orders passed by the Courts below. Hence, the revision lacks merits and *bona fides*.

9. Accordingly, the Criminal Revision Case is dismissed.

10. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Revision Case shall stand closed.

T.SUNIL CHOWDARY, J

Date: 28.10.2016
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