

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.532 OF 2016

ORDER:

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

2. Assailing the order dated 04.09.2015 passed in Crl.M.P.No.579 of 2015 in M.C.No.106 of 2015 by the Additional Metropolitan Sessions Judge for the trial of Jubilee Hills Car Bomb Blast Case-cum-Additional Family Court, Hyderabad, wherein and whereunder the petitioner herein was directed to pay interim maintenance of Rs.12,000/- per month, the present revision is preferred.

3. The respondents herein filed M.C.No.106 of 2015 claiming maintenance @ Rs.14,000/- per month to the 1st respondent and Rs.8,000/- per month to respondents 2 and 3, totalling Rs.30,000/- per month. Pending the said M.C., the respondents herein also filed Crl.M.P.No.579 of 2015 seeking interim maintenance. By an order dated 04.09.2015, the trial Court directed the petitioner herein to pay Rs.6,000/- per month to the 1st respondent and Rs.3,000/- each per month to respondents 2 and 3.

4. It is to be noted that the main M.C., is still pending consideration. The respondents herein are wife and children of the petitioner herein. The main ground urged by the learned counsel for the petitioner is that the petitioner is only a auto driver and as such, it is difficult for him to pay a sum of Rs.12,000/- per month. He submits that he has three sisters and that his entire family will be put on to the streets if he is directed to pay the same.

5. On the other hand, learned counsel for the respondents contends that the petitioner herein has other businesses apart from running the auto and as such, reducing the quantum of maintenance may not be proper. He further submits that respondents 2 and 3, who are children are aged about 7 years and 5 years respectively and the expenditure incurred on them would be on a higher side.

6. It is to be noted that while considering the applications towards interim maintenance, a duty is cast upon the husband, who is the petitioner herein, to provide minimum necessities to his legitimate wife and children in order to avoid starvation, more so when he is not disputing the relationship with the respondents. Having regard to the income of the petitioner, the trial Court awarded a sum of Rs.12,000/- per month, which in my view appears to be slightly on higher side since the main M.C. itself is pending.

7. In view of the above, the interim maintenance granted by the trial Court @ Rs.12,000/- per month is reduced to Rs.9,000/- per month in all to the respondents herein. The arrears of maintenance shall also be paid at this rate within a period of four (04) weeks from today, failing which the order of Rs.12,000/- per month shall come into force.

8. Accordingly, the Criminal Revision Case is allowed in part. Miscellaneous Petitions, if any, pending in this revision shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Date:15.03.2016
INL