

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.566 of 2014

ORDER :

Heard.

Assailing the order dated 03.01.2014 passed in M.P.No.174 of 2013 in M.C.No.35 of 2012 on the file of III Addl. District and Sessions Judge, Warangal, wherein the Court ordered interim maintenance of Rs.2,000/- per month to the first petitioner therein and Rs.1,000/- per month to the second petitioner therein, the present revision is filed.

Respondent Nos.2 and 3 filed M.C.No.35 of 2012 claiming maintenance under Section 125 of Cr.P.C. and the petitioner herein filed counter opposing the said application. Pending the said M.C., the unofficial respondents herein filed M.P.No.174 of 2013 seeking interim maintenance. After considering the material on record and by taking into consideration the income of the petitioner herein, the trial Court awarded the above mentioned maintenance amount. Aggrieved by the same, the present revision came to be filed.

A perusal of the record reveals as under:

The marriage between the parties and they being blessed with a child (respondent No.3) is an admitted fact. The petitioner-husband contentions clearly indicate the allegation against his wife having illicit intimacy with third party. Further, it is alleged that his wife is alleged to have committed theft and both the respondents herein left him along with another child (not added as party) and hence registered women and girl missing case against them. The wife is alleged to have registered dowry harassment case against

the husband. Though it is submitted by both the parties against each other that they have source of income, no documentary evidence is adduced relating to income earned by both the parties. The law is well settled that when the wife and children are unable to maintain themselves, they have to be maintained by the husband and his parents. Further, it is stated that no evidence is adduced indicating that the wife deserted her husband due to her intimacy with one Pradeep. Except the allegation of extra marital relationship, no other allegation is leveled against the wife. The contents of counter reveal the willingness of the petitioner-husband to accept the respondents, but however, a criminal case was registered against the petitioner-husband and his family members under Section 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act, which indicates that the respondent-wife is not willing to join the society of the petitioner-husband. It is not the version of the petitioner-husband that the respondent-wife and her parents are quite affluent, in which case being a husband, interim maintenance has to be paid to respondent Nos.2 and 3.

Having regard to the findings arrived at by the trial court and taking into consideration the fact that the payment of interim maintenance of Rs.2,000/- and Rs.1,000/- to the first and second respondents herein respectively cannot be said to be on a higher side, I see no reason to interfere with the order under challenge.

Accordingly, the revision is dismissed.

As a sequel, Miscellaneous Petitions, if any, pending in this revision shall stand closed.

JUSTICE C. PRAVEEN KUMAR

08.03.2016.

vhb