

**THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY**

**CRIMINAL REVISION CASE No.1366 of 2013**

**ORDER:**

1 This Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. challenging the order dated 18.04.2013 passed in CrI.M.P.No.871 of 2013 in M.C.No.23 of 2012 passed by the learned Additional Judicial Magistrate of I Class, Narsapur, West Godavari District.

2 The contention of the learned counsel for the petitioner is that the amount of interim maintenance granted by the trial Court is on higher side. He further submitted that the trial Court has not considered the pay slip of the petitioner and granted Rs.10,000/-, which is on higher side.

3 *Per contra*, the learned counsel for the first respondent submitted that the trial Court granted interim maintenance to the first respondent basing on the pay slip of the petitioner. She further submitted that as per the pay slip, the petitioner has been drawing salary of Rs.40,000/- p.m. as an employee in Singareni Calories.

4 The facts leading to filing of the present Criminal Revision Case, briefly, are as follows:

5 The marriage of the first respondent was performed with the petitioner on 16.07.1989 at Chinchinada of Elamanchili Mandal, West Godavari District as per Hindu rites and caste

custom. By the time of marriage, the petitioner was working as an employee in Singareni Calories. Out of lawful wedlock the petitioner and the first respondent were blessed with a son and a daughter. For one reason or the other, disputes arose between the petitioner and the first respondent and the first respondent has been residing at her parents' house along with the children. By the time of filing of the M.C, the marriage of the daughter was performed by the first respondent and the son was studying Engineering. The first respondent filed a petition under Section 125 Cr.P.C. in M.C.No.23 of 2012 on the file of the Additional Judicial Magistrate of I Class, Narsapur claiming maintenance of Rs.10,000/- p.m. to her and also Rs.15,000/-p.m. towards educational expenses of the son. The first respondent altogether claimed an amount of Rs.25,000/- p.m. Along with the M.C, the first respondent filed CrI.M.P.No.871 of 2013 claiming interim maintenance of Rs.10,000/- p.m. on all heads. The petitioner herein filed counter opposing the same. The trial Court after affording a reasonable opportunity to both parties, granted interim maintenance of Rs.10,000/- to the first respondent. Hence the present revision case.

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6 Now the point for consideration in this Criminal Revision Case is whether granting of Rs.10,000/- p.m towards interim maintenance by the trial Court is justified or not?

7 The material placed before this Court clinchingly establishes that the first respondent performed the marriage of her daughter with the help of her parents. The first respondent and her children have been residing at her parents' house. The son of the first respondent and the petitioner was studying Engineering by the time of filing of the M.C. At the time of arguments, the learned counsel for the first respondent submitted that the son of the petitioner and the first respondent is intending to go to U.S in order to prosecute M.S.

8 It is not in dispute that the petitioner has been working in Singareni Calories. The first respondent herein produced the pay slip of the petitioner before the trial Court. As per the pay slip, the petitioner is drawing salary of Rs.40,000/- p.m. In Para No.6 of the order, the trial Court made an observation that the petitioner was drawing salary of Rs.40,000/- p.m as an employee in Singareni Calories. It is the duty of the petitioner to look after the welfare of the first respondent and

his children. With a meager amount of Rs.10,000/- it may not be possible for the first respondent to educate her son in view of the prevailing educational expenses. The amount of Rs.10,000/- is hardly sufficient for the sustenance of the first respondent and her son.

9 Viewed from any angle, I am of the considered view that granting of Rs.10,000/- towards interim maintenance is not on higher side. There is no illegality or irregularity in the order passed by the trial Court.

10 For the foregoing discussion, I see no merits in this Criminal Revision Case and the same is accordingly dismissed as devoid of merit. The trial Court is hereby directed to dispose of M.C.No.23 of 2012 as expeditiously as possible. As a sequel, miscellaneous petitions, if any, pending in this Criminal Revision Case shall stand closed.

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**T.Sunil Chowdary, J**

Date: 1<sup>st</sup> December, 2016

**Kvsn**