

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.15198 OF 2016

ORDER:

This Criminal Petition is filed to quash the order dated 30-8-2016 passed by the Judge, Family Court-cum-VIII Additional Sessions Judge, Mahabubnagar in CrI.M.P.No.130 of 2016 in M.C.No.27 of 2016 granting interim maintenance of Rs.1500/- per month to the 1st petitioner and Rs.2,500/- per month to the 2nd petitioner and in total Rs.2,000/- to both the petitioners, from the date of filing of the petition during the pendency of the petition.

There is no dispute with regard to relationship between the petitioner and respondents 1 and 2.

The contention of the petitioner before this court is that first respondent voluntarily deserted company of the petitioner and that fact has to be established before the Judge, Family Court, Mahabubnagar and on that ground, the order passed by the Judge, Family court cannot be reversed.

Here another contention of the petitioner is that the petitioner has to maintain three children of his first wife and he is facing financial problem to maintain them, therefore, requested to set aside the order passed by the court below.

When there is no dispute with regard to relationship between the petitioner and respondents 1 and 2, expressing his obligation to maintain his first wife children, he is equally liable to maintain second wife son and wife providing amenities to lead normal life

with the same standard of living of the petitioner who is an agriculturist.

It is also contended that first respondent wife of the petitioner is working as nurse in private hospital. Except raising such contention, no piece of paper is filed to substantiate the contention before the Family Court and hence, the Judge, Family Court rightly disbelieved the independent source of income of 1st respondent (2nd wife of petitioner).

However, taking into consideration of the source of income of the petitioner, trial court granted interim maintenance and the same cannot be interfered by this court while exercising jurisdiction of this court under Section 482 Cr.P.C.

Accordingly, this Criminal Petition is dismissed.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE M.SATYANARAYANA MURTHY

Dated 26-10-2016.

Dvs.

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY



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Dated 26-10-2016.

Dvs