

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL REVISION CASE No.2448 of 2012

ORDER:

This criminal revision case is filed by the petitioner under Section 397 and 401 Cr.P.C. challenging the order dated 28.08.2012 in M.P.No.366 of 2012 in M.C.No.221 of 2012 on the file of the Court of Additional Metropolitan Sessions Judge for the trial of JHCBBC – cum – Additional Family Court – cum – XXIII Additional Chief Judge, Hyderabad.

The parties will be herein after referred as they are arrayed before the trial Court.

The contention of the learned counsel for the respondent (petitioner herein) is two fold:

1. The trial Court allowed the petition without giving an opportunity to the petitioner to substantiate his stand.
2. He further submitted that the amount of maintenance granted by the trial Court is on higher side.

A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 01.05.2005 at Hitech Garden Function Hall, Old Malakpet, Hyderabad, as per the Muslim rites and caste customs. Immediately after the marriage, the petitioner joined with the respondent to lead happy marital life. The respondent willfully and intentionally neglected to provide maintenance to the petitioner. Hence, the petitioner filed M.C.No.221 of 2012 seeking maintenance from the respondent. The petitioner also filed M.P.No.366 of 2012 claiming interim maintenance of Rs.5,000/-. The trial Court allowed the petition by

granting interim maintenance of Rs.2,500/- per month. Questioning the said order, the present criminal revision case is filed.

There is no dispute between the parties with regard to their relationship. The main contention of the petitioner is that the respondent willfully and intentionally neglected to provide maintenance. This Court is not inclined to express any opinion on this aspect in view of pendency of M.C.No.221 of 2012. For one reason or other, the respondent did not choose to file counter and oppose the petition. As seen from the orders of the trial Court, the respondent is a government employee. There is a social and moral obligation on the part of the respondent to provide maintenance to the petitioner. Whether the petitioner is entitled to claim maintenance from the respondent or not will be decided after full fledged trial in the main case, i.e. M.C.No.221 of 2012. If this Court expresses any opinion touching the merits of the main case, the same may cause prejudice to one of the parties to the proceedings. An amount of Rs.2,500/- per month may not be on higher side as contended by the learned counsel for the respondent(petitioner herein).

The trial Court passed orders taking into consideration the financial conditions of both parties. There is no illegality or irregularity in the orders of the trial Court which warrants interference of this Court. The trial Court has assigned cogent and valid reasons to its findings. Taking into consideration the facts and circumstances of the case, I am of the considered view that there are no grounds much less valid grounds to interfere with the orders passed by the Court below. The trial Court is hereby directed to dispose of the matter in accordance with law without

influenced by the observations made by this Court.

With the above direction, the Criminal Revision Case is disposed of. As a sequel, the miscellaneous petitions, pending if any in this revision, shall stand closed.

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T.SUNIL CHOWDARY, J.

June 30, 2016

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