

HON' BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL REVISION CASE No. 684 of 2015

ORDER:

1) Assailing the order, dated 26.02.2015, passed in I.A.No.63 of 2013 in F.C.O.P.No.1140 of 2012 on the file of the Judge, Family Court-cum-V Additional District and Sessions Judge, Visakhapatnam, the present Revision is filed under Sections 397 and 401 Cr.P.C.

2) The factual matrix of the case is as under :

3) The first respondent herein is the wife of the petitioner/ husband. The first respondent herein filed F.C.O.P.No.1140 of 2012 claiming maintenance of Rs.10,000/- per month. Along with the said O.P., she also filed I.A.No.63 of 2013 seeking interim maintenance. By an order, dated 26.02.2015, the learned trial Court granted interim maintenance of Rs.5,000/-. Challenging the same, the present Revision is filed.

4) This Court while issuing notice to the first respondent passed the following order:

“There shall be interim stay of further proceedings in I.A.No.63 of 2013 in F.C.O.P.No.1140 of 2012 on the file of the Judge, Family Court, Visakhapatnam, subject to condition of petitioner depositing arrears @ Rs.3,000/- per month within a period of six weeks from today and shall continue to pay maintenance @ Rs.3,000/- per month on or before 5th of every succeeding month and the first

respondent is entitled to withdraw the amount deposited by the petitioner without furnishing any security.”

5) Heard counsel for the petitioner. As the notice sent to the first respondent was returned un-claimed, the same is taken as deemed service in view of Section 27 of General Clauses Act.

6) Learned counsel for the petitioner mainly submits that the petitioner is only a A/c mechanic and earning Rs.10,000/- per month. He further submits an amount of Rs.5,000/- was awarded as maintenance in D.V.C.No.6 of 2013 on the file of the IV Additional Chief Metropolitan Magistrate, Visakhapatnam and as such directing the petitioner to pay a further sum of Rs.5,000/- in F.C.O.P. is on a higher side.

7) A perusal of the material on record would show that the petitioner is running A/c Mechanic Shop and earning Rs.30,000/- per month. It is also stated by PW.1 that the petitioner is getting an amount of Rs.3,000/- per month on rents, but no documentary evidence has been adduced to prove the said fact. Taking into consideration that the first respondent herein has no other source of income except the maintenance awarded, the petitioner is directed to pay Rs.3,000/- per month in addition to the amount awarded in D.V.C.No.6 of 2013, till the disposal of the main O.P. The learned trial Judge is directed to dispose of the F.C.O.P.No.1140 of 2012 as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of the order.

8) Accordingly, the Criminal Revision Case is disposed of. As a sequel to it, miscellaneous petitions, pending if any in this Criminal Revision Case shall stand dismissed.

JUSTICE C. PRAVEEN KUMAR

22.09.2016
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