

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.698 OF 2016

ORDER:

The present criminal revision case is filed by the petitioners challenging the order, dated 29.04.2015, passed in CrI.A.No.55 of 2014 by the Court of the III Additional Sessions Judge, Karimnagar, whereby the Court below partly allowed the appeal modifying the order passed in CrI.M.P.No.4090 of 2013 in D.V.C.No.24 of 2013 by the Court of the Special Judicial Magistrate of First Class (Excise), Karimnagar, and reduced the interim maintenance to Rs.1,500/- (Rupees one thousand and five hundred only) and Rs.1,000/- (Rupees one thousand only) to the petitioners 1 and 2 respectively.

Heard and perused the records.

Learned counsel for the petitioners submits that the lower appellate Court erroneously reduced the amount of maintenance without taking into consideration of all the aspects and as such, prays this Court to enhance the interim maintenance to the petitioners herein.

Learned counsel for the first respondent/husband submits that in view of the pendency of various criminal cases and D.V.C. case, the first respondent has lost his job and as such, he is unable to pay the maintenance amount and that he is depending on the earnings of his parents.

This Court is of the view that even though the first respondent is not in a position to maintain himself, it is his duty to maintain his wife and children. Considering the facts and circumstances of the case, the criminal revision case is disposed of with the following directions.

(i) The first respondent herein is directed to pay Rs.2,500/- (Rupees two thousand and five hundred only) and Rs.1,500/- (Rupees one thousand and five hundred only) to the petitioner Nos.1 and 2 respectively towards monthly interim maintenance, on or before 10th of every succeeding month;

(ii) The first respondent is also directed to pay the arrears of maintenance amount as mentioned above, within a period of three months

from the date of this order; and

(iii) The trial Court is directed to dispose of D.V.C.No.55 of 2014 as expeditiously as possible, preferably within a period of six months, without being influenced by order of this Court.

With the above directions, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

12.02.2016
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