

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.846 OF 2017

ORDER:

Heard learned counsel for petitioner before admission and before ordering notice to revision respondent No.2, no other than petitioner in CrI.M.P. No.83 of 2016 in M.C. No.108 of 2015 on the file of Judge, Family Court, Ranga Reddy District.

2) The Criminal Revision Case is filed by husband—respondent in M.C.No.108 of 2015, against the docket order dated 08.02.2017 passed in CrI.M.P. No.83 of 2016 in M.C. No.108 of 2015 on the file of Judge, Family Court, Ranga Reddy District in granting interim maintenance of Rs.15,000/- p.m. in favour of revision respondent No.2—wife from the date of petition since the marital relationship between the couple is not in dispute.

3) The revision grounds mainly are that the order is without assigning any reasons, she is working and earning of Rs.20,484/- p.m. which she even admitted in her evidence from the contest of revision petitioner though not disclosed in her petition, even she deposed further of she incurs upto Rs.20,000/- p.m to say sufficient means and referred in the order of his gross earnings at Rs.1,50,000/- p.m., whereas his net salary not considered is of Rs.86,351/- and he has to maintain his parents and for his father's treatment to incur expenditure monthly.

4) Undisputedly in D.V.C. No.2 of 2015, no interim maintenance is granted and if at all granted, payment inclusive of it

in M.C. No.108 of 2015 can be taken as suffice by virtue of this order in clarifying the same. In fact, there is nothing to say from the above that, there is any fraud played by the wife—respondent No.2 either on Court or on her husband (revision petitioner) from not mentioning of her employment in the petition, unless during trial it is established that she deliberately suppressed the same to rely upon the expression of the Apex Court in *Meghamala vs G.Narasimha Reddy*¹. Even the expression of the Apex Court in *Bhagwan Dutt vs Kamala Devi*² has no application in view of the settled law by catena of expressions of the Apex Court that means of wife can also be taken into consideration, including from her admission of earnings, in fixing the quantum and not a sole ground thereby to discuss her claim; that too, his earnings are far more of her.

5) The factum of his gross earnings when not disputed and even taken from her admitted monthly earnings as per Ex.P.2 also, when entitled to further for her living in equal status with comforts of her husband, without prejudice to arrive ultimately in main case what is reasonable sum to adjust finally from full dressed trial, there is nothing to admit the revision or stay the operation of the interim maintenance order.

6) Accordingly and in the result, the Criminal Revision Case is disposed of directing the lower Court to make every endeavor for early disposal of the M.C, preferably within four months from the date of receipt of a copy of this order and the revision petitioner is

¹ 2010 (8) SCC 383

² 1975 AIR 83

directed to pay all the arrears @ Rs.15,000/- per month in three equal monthly installments and shall continue to pay the maintenance at the same rate on or before 5th of every succeeding calendar month. Any non-payment as per above, entitles the revision respondent No.2 to execute for recovery of whatever the amounts due.

7) As a sequel, miscellaneous petitions if any pending shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.21.04.2017
Knl

