

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

C.R.P.No.1408 of 2017

ORDER

This revision is directed against the order dated 07.02.2017 passed in I.A.No.1035 of 2016 in M.O.P.No.11 of 2015 by the Judge, Family Court-cum-III Additional District and Sessions Court, Srikakulam.

2. Petitioner is husband and respondents are his wife and son respectively. Respondents filed O.P.No.11 of 2015 on the file of the Judge, Family Court-cum-III Additional District and Sessions Court, Srikakulam, against the petitioner/husband for maintenance. They filed I.A.No.1035 of 2016 seeking to direct the husband to pay a sum of Rs.15,000/- each towards interim maintenance and Rs.50,000/- towards legal expenses. By the order impugned, the trial Court allowed the said petition directing the husband to pay a sum of Rs.5,000/- per month to the 1st petitioner and Rs.3,000/- per month to the 2nd petitioner towards interim maintenance and also to pay a sum of Rs.5,000/- towards litigation expenses to petitioners. Aggrieved by the same, the present revision is preferred by the husband.

3. Learned counsel for revision petitioner submits that as the petitioner is a cardiac patient, there is no source of income and he is depending upon his parents. He further submits that the first

respondent is having properties and is able to maintain herself and that the trial Court ought not to have granted interim maintenance to the wife and son.

4. On the other hand, learned counsel for respondents submits that the second respondent, aged about 3 years, is suffering from kidney problem and is undergoing dialysis and that they are not able to maintain themselves.

5. The relationship between the parties is not in dispute. Due to certain disputes, the parties are living separately. The petitioner-husband also filed O.P.No.13 of 2015 on the file of Senior Civil Judge, Tanuku, for dissolution of marriage. The trial Court, after taking into consideration the means of the petitioner, granted interim maintenance to the wife and son. The petitioner being husband has to provide maintenance to the respondents and he cannot deny the basic amenities to his wife and son on the ground of his ill-health. Therefore, the trial Court, after taking into consideration all the aspects in proper perspective, granted interim maintenance to the wife and son and there is no need to interfere with the same. However, the trial Court is directed to dispose of O.P.No.11 of 2015 within a period of six months from the date of receipt of a copy of this order.

6. With the above direction, the Civil Revision Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this revision shall stand dismissed.

M.S.K. JAISWAL, J.

13th June, 2017
sj

