

HONOURABLE DR JUSTICE B.SIVA SANKARA RAO

Criminal Revision Case No. 483 OF 2017

ORDER:

Impugning the interim order of the maintenance dated 17.01.2017 in CrI.M.P.No.14 of 2016 in pending M.C.No.2 of 2016 in favour of the wife of Rs.25,000/- per month as ordered from the date of petition pending disposal of the Maintenance Case in her claim of Rs.50,000/- per month, the husband M.C. respondent maintained the revision.

Heard the learned counsel for the revision petitioner and also the revision 2nd respondent and also heard the learned Public Prosecutor for the State-Respondent No.1.

The relationship between the parties is not in dispute. It is his claim in the grounds of revision that he has no properties as reflected in Exs.A.1 to A.36 and he could show the transfer of title over the properties among Exs.R.1 to R.15 and he is with no means and no source of income and Rs.25,000/- per month awarded is unsustainable that too, when the revision 2nd petitioner-wife having MBBS Degree qualification and practicing as a doctor and also pursuing her post graduation in medicines and not entitled to interim maintenance.

Whereas, it is the submission of the learned counsel for the revision 2nd respondent-M.C. petitioner in support of the interim maintenance order that the order no way requires interference and she is not practicing as a doctor but she is pursuing her studies and maintenance includes the academics also besides her survival. In

fact, the interim maintenance is a measure pending the claim for maintenance under Section 125CrPC. Section 125 CrPC itself is provided to prevent destitution. No doubt, survival is not a mere animal survival to measure for interim maintenance may include to live. There are certain documents showing some properties in existence though same are claimed transferred or gifted or otherwise, leave about his earnings for which no material before the Court.

Having regard to the above, the revision is disposed of. The interim maintenance amount of Rs.25,000/- p.m. is reduced to Rs.15,000/- p.m. which is without prejudice to the contest in the main Maintenance Case and subject to adjustment if anything excess after determination of Maintenance Case. The lower Court is directed to dispose of the main case (M.C.No.2 of 2016) within three months from the date of receipt of the order.

Consequently, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE B.SIVA SANKARA RAO

Dt.04.04.2017.

Vvr.1