

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9699 OF 2017

ORDER:

Heard learned counsel for the petitioner, who is the respondent to the maintenance claim in F.C.O.P.No.272 of 2014, pending before the Family Court -cum- XII Additional District Judge, Guntur and in the maintenance case filed by the 2nd respondent for her and representing the minor son in their wedlock, interim maintenance application in Crl.M.P.No.236 of 2016 filed and the same was ordered on 15.03.2017, granting Rs.5,000/- per month to the 2nd petitioner – minor, in the custody of the 1st petitioner – wife, who is working as a lecturer and same is now impugned.

2. The array in the cause title of the maintenance order from the petition description shows petitioner herein is a Chartered Accountant – cum- Company Secretary, but, the claim of the petitioner is that he is only working as a clerk under a Company Secretary and not even a chartered accountant. Even otherwise, when the child is aged about nearly five years even by the time of filing the maintenance case and school going, once there is a responsibility to be shouldered by the petitioner being the father also besides mother earning in taking care by her including financially, the Rs.5,000/- per month awarded no way requires interference that too when it is only by way of interim

maintenance pending disposal of the main case, but for to direct the learned Judge, Family Court, to dispose of the main maintenance case within four months and with observation that the granting of interim maintenance @ Rs.5,000/- per month to the minor child including the conformation herein no way influence the mind of the trial court judge in deciding what is just maintenance entitled by the child on merits.

3. Accordingly and with the above direction, this criminal petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

24.10.2017
SS

DR.B.SIVA SANKARA RAO, J

