

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.1256 of 2017

ORDER :

This Criminal Revision Case is filed by the petitioner/ husband against the order dated 14.03.2017 passed by the Judge, Family Court-cum-V Additional District Judge, Visakhapatnam, in M.P.No.33 of 2017 in O.P.No.1508 of 2015 filed by the wife to grant interim maintenance of Rs.10,000/- p.m. stating that her husband is drawing a salary of Rs.30,000/- p.m.

Heard before admission and notice to respondent No.2 and perused the impugned order.

While admitting the employment, it is the contest of the revision petitioner that he is drawing Rs.12,000/- p.m. only. But he did not file any proof for the same, though, it is the best evidence available with him including under Section 106 of the Indian Evidence Act.

Having regard to the above, practically, there is nothing to interfere with the impugned order of the lower Court, but for, to say any amount payable is subject to the final decision in the O.P.,

Accordingly, the Criminal Revision Case is disposed of, with a direction to the lower Court to dispose of the main O.P. within three months from the date of receipt of copy of this order. However, the revision petitioner shall produce the evidence in support of his contention before the lower Court. The impugned order does not come in the way to decide the O.P., much less, influence the mind of the lower Court.

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

Date: 27-04-2017
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Dr. B. SIVA SANKARA RAO, J



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