

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE No.2570 of 2016

ORDER:

The revision is maintained impugning the lower appellate Court's modified order of Rs.15,000/- per month as interim protection order of maintenance under the Act, 2005 wherein the lower appellate Court on the application of the revision petitioner herein, the husband, from what the trial Court awarded as interim measure of Rs.25,000/- per month reduced to Rs.15,000/- per month and in the present revision it is also impugning as said quantum is unsustainable and no interim maintenance can be awarded as she is having MCA qualification and also worked for some time at a salary of Rs.10,000/- per month and now getting more than the above salary by employing somewhere and Courts below not appreciated this, that is the core contention. Whereas the learned counsel for respondent No.1 to the revision no other than wife of the petitioner submits that against the modified order, no revision maintained of reduced maintenance of Rs.25,000/- to Rs.15,000/- itself is unsustainable and thereby otherwise no way requires interference and sought for dismissal of the revision.

The matter requires even under the provisions of the Act by summary enquiry as outcome of factual finding from full dressed trial from her qualification and earlier worked with experience now working or capable of working and avoiding as the case may be and if that is taken into consideration from his earnings what she could reasonably be expected to get. Having regard to the

above, any observation touching the merits may prejudice the rights of any of both sides.

Having regard to the above, this Court at this stage without touching the quantum disposing of the revision directing the learned Magistrate to dispose of the main DVC within three (03) months from the date of receipt of this order and in the meantime, any payment made by the revision petitioner is subject to the final result if necessary to adjust. The revision petitioner is given liberty to pay all arrears within three (03) monthly installments from the date of receipt of the order. It is made clear any non-payment even of 1st installment entitles for execution of entire amount and any payment so far made to adjust.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 13.03.2017

Note: Issue C.C. on 15.03.2017

(B/o)

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