

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Criminal Revision Case No.2271 of 2017

ORDER:

The present Criminal Revision Case is preferred by the respondent-husband aggrieved by the order dated 9.6.2017 in Criminal M.P.No.2146 of 2016 in M.C. No.250 of 2016 on the file of Additional Metropolitan Sessions Judge for the trial of JHCBBC-cum-Additional Family Judge-cum-XXIII Additional Chief Judge, Hyderabad, whereby and whereunder towards interim maintenance pending Maintenance Case awarded Rs.10,000/- per month to the 1st petitioner i.e., wife and Rs.5,000/- to the 2nd petitioner, their son, having deliberated on the income of the husband, the revision petitioner herein, recorded that he was earning Rs.80,000/- per month as A.C. Technician. Admittedly, he was working in Dubai at that time. There is no dispute between the parties as regards the said fact, but, however he has come down to the country. It is stated that his passport is also seized in connection with Section 498-A of I.P.C. registered on the complaint of the wife.

2. Learned counsel for the revision petitioner would submit that having come to India, the revision petitioner lost his job and there is no source of income for him and he is only working as A.C. Technician, whenever he gets work and he is not a regularly paid employee. Therefore, he would request to reduce the maintenance amount awarded by the Court below to Rs.10,000/- putting together to respondents 1 and 2.

3. Per contra, learned counsel for the respondents 1 and 2 would submit that the petitioner has got sufficient means and the respondents 1 and 2 have been paying Rs.7,000/- per month towards rent to the father of respondent No.1, who used to look after them died recently, and they are facing hardship, and the learned counsel expresses that he is agreeable for Rs.12,000/-.

4. Since there is no yardstick to measure the difference of amounts proposed by both sides, it is reasonable to award Rs.11,000/- i.e., Rs.6,000/- towards interim maintenance to the 1st respondent/1st petitioner as against Rs.10,000/- awarded and Rs.5,000/- to the 2nd respondent/2nd petitioner, during pendency of Maintenance Case.

5. Criminal Revision Case is accordingly disposed of. It is desirable to direct the learned Sessions Judge to dispose of the Maintenance Case No.250 of 2016 itself preferably within a period of six months from the date of receipt of a copy of the order. Both parties are directed to co-operate with the Court for disposal of the Maintenance Case. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the Criminal Revision Case shall stand closed.

A. SHANKAR NARAYANA

Dt.07.11.2017

Note: CC by 9.11.2017.

(B/O)

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