

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Criminal Revision Case No.3330 of 2016

JUDGMENT:

This criminal revision case is filed under Sections 397 and 401 Cr.P.C. challenging the order dated 21.10.2016 passed in MP No.149 of 2015 in FC OP No.1585 of 2014 on the file of the Additional Family Court, Visakhapatnam.

2. Heard the learned counsel for the petitioner and perused the record.

3. A perusal of the record reveals that the marriage of the first respondent was performed with the petitioner on 11.03.1999 as per Hindu, Rites and Customs. Immediately after the marriage, the first respondent joined the petitioner to lead the marital life and out of the lawful wedlock, they were blessed with a son i.e., second respondent. The respondent Nos.1 and 2 herein filed FC OP No.1585 of 2014 against the petitioner claiming maintenance of Rs.10,000/- to the first respondent and Rs.5000/- to the second respondent. Pending main FC OP, the respondent Nos.1 and 2 herein filed petition seeking interim maintenance. The trial court allowed the same.

4. At the time of arguments, in all fairness, learned counsel for the petitioner submitted that the respondent Nos.1 and 2 are mentally retarded persons. It is the case of the respondent Nos.1 and 2 that the petitioner is earning Rs.60,000/- per month by conducting tuitions and carrying on business.

5. Whether the petitioner is earning Rs.60,000/- per month or not will be decided after full-fledged trial. If this court expresses any

opinion with regard to the income of the petitioner, the same may cause prejudice to one of the parties to the proceedings, in view of the pendency of the main case. The trial court after taking into consideration of the pathetic condition of respondent Nos.1 and 2, granted interim maintenance at Rs.3000/- to the first respondent and Rs.1000/- to the second respondent. It is a known fact that mentally retarded persons may not earn anything and they have to depend on somebody else for their livelihood.

6. Having regard to the facts and circumstances of the case, I am of the considered view that granting of interim maintenance at Rs.3000/- to the first respondent and Rs.1000/- to the second respondent, is not higher side. There is no illegality or irregularity in the orders of the trial court, which warrants interference of this court. There are no merits in the criminal revision case and the criminal revision case is, accordingly, dismissed.

7. The trial court hereby directed to dispose of the FC OP No.1585 of 2014, as expeditiously as possible, without being influenced by any of the observations made by this court, as the same are confined to this criminal revision case only.

Pending miscellaneous petitions, if any, in this case, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 02.01.2017.
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