

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

CIVIL REVISION PETITION No.6008 OF 2017

Heard both sides.

2. The learned Judge, Family Court, is under a wrong impression that in a matrimonial dispute under the Hindu Marriage Act, an application for interim maintenance is not to be granted to the wife alone but to the children is not maintainable from Section 24 r/w 26 of the Act, in directing to proceed under Section 125 Cr.P.C., the order is unsustainable. The lower court is bound to consider the means of both the parties and entitlement for any interim maintenance to the children in the care of the wife of the petitioner in F.C.O.P.No.249 of 2016.

3. Accordingly and with the above observations, this civil revision petition is allowed and the order of the lower court is set aside with a direction to restore the petition and decide on merits the quantum.

4. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. There shall be no order as to costs.

DR.B.SIVA SANKARA RAO, J

08.11.2017
SS