

HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL REVISION CASE No.3231 OF 2017

ORDER:

Questioning the order, dated 07.11.2017 in M.P. No.1538 of 2016 in M.C. No.326 of 2016, passed by the learned Additional Metropolitan Sessions Judge for the trial of JHCBBC-cum-Additional Family Judge, Hyderabad, on the ground that inadequate *interim* monthly maintenance was granted, the present Criminal Revision Case is preferred under Sections 397 and 401 of the Code of Criminal Procedure, 1973.

2. Heard Sri Mohd. Abdul Raheem Khan, learned counsel for the revision petitioner and perused the material on record.

3. By the aforesaid order, the learned Judge, Family Court, Hyderabad, has granted Rs.10,000/- p.m. towards *interim* maintenance to the revision petitioner, though, the claim made in the Maintenance Case was for Rs.35,000/- p.m.

4. Learned counsel for the revision petitioner would submit that an amount of Rs.10,000/- p.m. is far less than the claim made. Though, it is an *interim* maintenance application, according to him, the respondent – husband is working or carrying on business in shipping and logistics and earning more than Rs.1,00,000/- p.m. and, therefore, the said amount awarded towards *interim* maintenance is far less.

5. But, he is very fair enough to come out that no documents have been filed so as to show the earnings of the respondent on his profession, if any. In fact, he intends to avail of the opportunity in main Maintenance Case by filing documentary evidence to substantiate the earnings of the respondent on his profession when the enquiry is conducted in the

Maintenance Case. Therefore, the amount of Rs.10,000/- granted by the Court below, towards *interim* monthly maintenance, cannot be enhanced without there being any substantiation even at this stage to grant more amount.

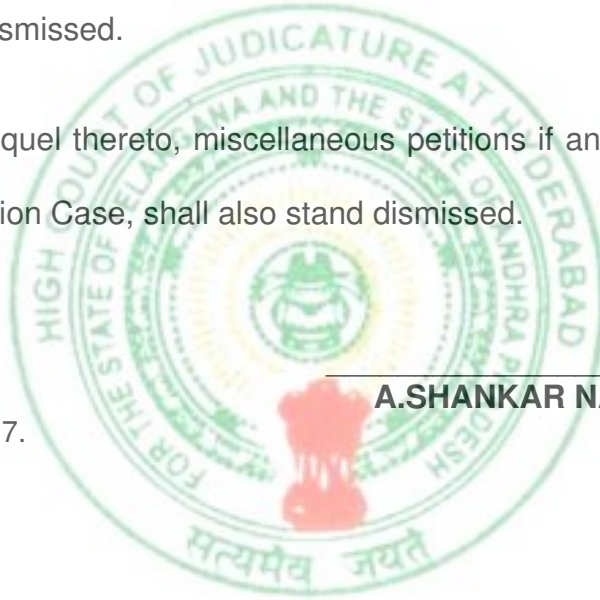
6. It is made clear that confirmation of award of *interim* maintenance shall not come in the way of awarding more amount towards monthly maintenance in the main Maintenance Case, if the petitioner substantiates the same by filing documentary proof.

7. The Criminal Revision Case is without any merit and is, accordingly, dismissed.

As a sequel thereto, miscellaneous petitions if any, pending in this Criminal Revision Case, shall also stand dismissed.

Date: 14.12.2017.
Dsh

A.SHANKAR NARAYANA, J



HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

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CRIMINAL REVISION CASE No. 3231 OF 2017

Date.14.12.2017

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