

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.11978 of 2017

ORDER:

This petition is filed under Section 482 of Criminal Procedure Code to quash the order dated 09.11.2017 in CrI.M.P.No.179 of 2017 in M.C.No.16 of 2017 passed by the Judge, Family Court-cum-III Additional District and Sessions Judge, Srikakulam granting interim maintenance of Rs.8,000/- per month to the 1st petitioner and Rs.6,000/- to the 2nd petitioner, during pendency of the maintenance case.

The main contention raised by the petitioner before this Court is that respondents 1 and 2 did not produce any evidence to substantiate their contention and no witnesses were examined that the petitioner is owner of the shoe mart. In fact, he is not even an employee in the shoe mart and is leading idle life. Therefore, grant of maintenance as stated above is excessive and requested this Court to set aside the order granting interim maintenance by allowing this petition.

In the absence of any material before the Court, it is difficult to interfere with the order passed by the Court below, I deem it appropriate to direct the Judge, Family Court-cum-III Additional District and Sessions Judge, Srikakulam to decide M.C.No.16 of 2017 within three months from the date of receipt of a copy of this order after affording reasonable opportunity to both parties in accordance with law.

With the above direction, the criminal petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

JUSTICE M. SATYANARAYANA MURTHY

06.12.2017

Note: issue c.c. by Monday

b/o

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