

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.3128 OF 2017

JUDGMENT:

The present Criminal Revision Case is preferred challenging the order, dated 30.10.2017, in CrI.M.P. No.625 of 2014 in M.C. No.234 of 2014, passed by the learned XV Additional Sessions Judge, Ranga Reddy District, Kukatpally at Miyapur, whereby and where-under, towards interim maintenance, a sum of Rs.3,000/- is awarded to respondent No.2 herein, who is petitioner No.1 therein, and Rs.2,000/- to respondent No.3 herein, who is petitioner No.2 therein, under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short 'Code') by the revision petitioner - husband.

2. Heard Sri Raja Gopallavan Tayi, learned counsel for the revision petitioner.

3. The learned counsel would submit that the revision petitioner - husband is working as a painter and it is too inconvenient or hardship that would be caused to him in paying Rs.3,000/- and Rs.2,000/- respectively, to the respondent Nos.2 and 3 in the aforesaid CrI.M.P. and he has no other source of income and hardly he would be getting the work for a few days in a month and, therefore, seeks to modify the order.

4. As could be seen from the averments, both petition as well as counter, at one stage, the respondent mentions that towards

permanent alimony, he paid Rs.1,00,000/- and ready to pay Rs.2,00,000/- to respondent No.2 - wife, in case she cooperates to take divorce on mutual consent. That has been mentioned in paragraph No.12 of the counter. The amount of Rs.3,000/- and Rs.2,000/- awarded towards interim maintenance to respondent Nos.2 and 3, who are petitioners in the aforesaid Crl.M.P., by any stretch of imagination, cannot be viewed as excessive or exorbitant as two persons have to live when kept in view, the present spiraling prices of food articles and cost of living.

5. Therefore, there is no merit in the present Criminal Revision Case and, accordingly, the same is dismissed at the admission stage itself. However, since it is a maintenance case and M.C. relates to the year 2014, the learned XV Additional Sessions Judge, Ranga Reddy District, Kukatpally at Miyapur is directed to dispose of the M.C. itself as expeditiously as possible not later than six months from the date of receipt of copy of the order. It is also made clear that affirming the order of granting interim maintenance by this Court should not influence him in deciding the matter on merits in awarding monthly maintenance.

As a sequel thereto, miscellaneous petitions, if any, pending in the present revision, stand closed.

A. SHANKAR NARAYANA, J

December 06, 2017.

Mgr