

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.10 OF 2018

ORDER:

The present Criminal Revision Case is preferred under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short, 'the Code'), questioning the order dated 23.11.2017 in M.P.No.229 of 2017 in M.C.No.37 of 2017 on the file of Judge, Family Court at Secunderabad, whereby and whereunder, monthly maintenance @ Rs.3,000/- is awarded to the 1st respondent herein - petitioner in the M.P, who is also the petitioner in M.C filed under Section 125 of the Code.

Learned counsel for the revision petitioner would submit that the 1st respondent is the 1st wife of the revision petitioner and their marriage was performed in 1988. He would further submit that the 1st respondent deserted the revision petitioner in the year 1993 itself and thereafter, the revision petitioner married the sister of the 1st respondent and begotten children and, therefore, there is no justification in ordering interim maintenance.

The questions, whether the 1st respondent is entitled to maintenance or not and whether she deserted on her own the company of the revision petitioner, require to be dealt with intrinsically in the main Maintenance Case. When the revision petitioner is working in Railways drawing gross salary of Rs.35,000/-, the award of Rs.3,000/- per month towards interim maintenance is, certainly, not on higher side. Therefore, there is no merit in the present Criminal Revision Case.

The present Criminal Revision Case is, accordingly, dismissed. However, the observations made in the above would not have effect on settling the issue finally and shall not be treated as having tendered a final finding. The learned Judge, Family Court, Secunderabad, is directed to dispose of M.C.No.37 of 2017 uninfluenced by the observations made herein.

A. SHANKAR NARAYANA, J

January 04, 2018

v v

