

HONOURABLE SRI JUSTICE P. KESHAVA RAO

CRIMINAL REVISION CASE No. 155 of 2018

ORDER

Heard the learned counsel for the petitioner as well as the respondents.

The present criminal revision case is filed questioning the orders passed in CrI.M.P.No.819 of 2017 dated 07.11.2017 in M.C.No. 389 of 2016 on the file of the Court of the Family Judge-cum-IV Additional District and Sessions Judge, Vijayawada, awarding a sum of Rs.3,500/- per month towards interim maintenance to the first respondent herein.

The brief facts of the case are that the first respondent filed a case in M.C.No.389 of 2016 claiming a sum of Rs.20,000/- per month against the petitioner herein on the file of the Court of the Family Judge-cum-IV Additional District and Sessions Judge, Vijayawada. Pending the maintenance case, a petition in CrI.M.P.No.819 of 2017 is filed claiming interim maintenance at Rs.15,000/- per month.

The petitioner herein filed a counter and opposed the case. The Court below after considering the rival contentions, allowed the petition in part by orders dated 7.11.2017 in CrI.M.P.No.819 of 2017, directing the petitioner herein to pay a sum of Rs.3,500/- per month towards interim maintenance to be paid on or before 10th of every current month. The first respondent herein is directed to furnish her savings bank account details to the petitioner herein. Aggrieved by the same, the present criminal revision case is filed.

Learned counsel appearing for the petitioner would submit that the petitioner is working as private employee with a meager salary of Rs.7,000/- per month. The interim maintenance as awarded in the

impugned proceedings is excessive and he is not in a position to pay the same. It is also brought to the notice of this Court that the first respondent herein being an M.B.A. graduate, was working previously as accountant. However, the learned counsel fairly conceded that they do not have any information about the present status of the first respondent.

Per contra, the learned counsel appearing for the first respondent would submit that the interim maintenance as awarded is meager and the same cannot be reduced.

After hearing both learned counsel and having regard to the facts and circumstances of the case, the interim maintenance as awarded is only a temporary measure arranged during the pendency of the maintenance case. The impugned order does not indicate that the financial status and the income of the petitioner is discussed at length. The temporary arrangement to make is not a final one and it is subject to modification after appreciation of evidence adduced by both the parties. That being the position, this Court is not inclined to interfere with the interim maintenance awarded to the first respondent. Therefore, there are no merits in the criminal revision case.

Accordingly, the criminal revision case is dismissed. However, the learned Family Judge is directed to dispose of the main M.C. itself within a period of four months from the date of receipt of a copy of this order.

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

P. KESHAVA RAO, J

Date: 22.06.2018
Ccm

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