

HONOURABLE SRI JUSTICE P. KESHA VA RAO

CRIMINAL REVISION CASE No. 274 of 2018

ORDER:

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

Questing the orders passed in CrI.M.P.No.612 of 2017 in M.C.No.328 of 2016 dated 14.10.2017 on the file of the Judge, Principal Family Court-cum-IV Additional District Judge, Vijayawada, granting interim maintenance @ Rs.20,000/- each to the respondents 2 and 3, the present criminal revision case is filed.

The facts of the case are that the respondents 1 to 3 herein filed maintenance case in M.C.No.328 of 2016 against the petitioner herein. During the pendency of the main case, the respondents 1 to 3 filed an application in CrI.M.P.No.612 of 2017 in M.C.No.328 of 2016 for grant of interim maintenance @ Rs.50,000/- to the first respondent and Rs.25,000/- each to the respondents 2 and 3. The Court below considering the facts of the case, as an interim measure allowed the said criminal miscellaneous petition on 14.10.2017 in part refusing to grant interim maintenance to the first respondent herein and granted Rs.20,000/- each to the respondents 2 and 3 per month towards interim maintenance. Aggrieved by the said orders, the present criminal revision case is filed.

Learned counsel appearing for the petitioner would submit that he filed a memo in the office of the Court of the Principal Family Judge-cum-IV Additional District Judge, Vijayawada to treat the counter-affidavit filed in the maintenance case as the counter

in the present criminal miscellaneous petition. However, the Court below without considering the said memo and the counter filed in the main case, passed the impugned orders directing the petitioner to pay a sum of Rs.20,000/- each to the respondents 2 and 3 towards interim maintenance. Further, the learned counsel for the petitioner submits that the petitioner is getting only a sum of Rs.90,000/- as salary from Elite Hospital. He is also getting Rs.1,50,000/- from Hellos Hospital besides getting 1/3rd share from the Hellos Hospital. Therefore, he cannot afford the amount as granted towards the interim maintenance.

Per contra, the learned counsel appearing for the respondents 1 to 3 supported the impugned order by submitting that the income of the petitioner is more than Rs.5 lakhs per month.

Be that as it may, the interim maintenance has been awarded only on a temporary basis till the conclusion of the maintenance case on merits. The said orders are passed without going into the merits and without appreciating the evidence, more particularly, with respect to the financial aspect of the parties. That being so, this Court is not inclined to interfere with the orders passed by the Court below. However, since the amount awarded is on higher side, the impugned order is modified to the extent of reducing the maintenance amount from Rs.20,000/- per month each to Rs.15,000/- per month each to the respondents 2 and 3 towards interim maintenance pending disposal of the maintenance case on merits. However, the Family Judge-cum-IV Additional District Judge, Vijayawada is directed to dispose of the

maintenance case within a period of four months from the date of receipt of a copy of this order.

Accordingly, the criminal revision case is allowed in part. As far as the arrears of maintenance amount is concerned, the petitioner is directed to pay the interim maintenance as indicated above.

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

Date:12.06.2018
Ccm

P. KESHA VA RAO,J



HONOURABLE SRI JUSTICE P. KESHAVA RAO



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