

THE HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE NO.322 OF 2018

ORDER:

Heard the learned counsel for the petitioner. Though notice is sent to respondent Nos. 1 to 4, the same has been returned with an endorsement, "unclaimed". Therefore, this Court feels that it is an appropriate service of notice.

2. The present Criminal Revision Case is filed questioning the orders dated 27.12.2017 in M.C.No.109 of 2015 on the file of the Court of Additional Metropolitan Sessions Judge for the trial of Jubilee Hills Car Bomb Blast Case-cum-Additional Family Court-cum-XXIII Additional Chief Judge-cum-IX AMSJ, Hyderabad awarding a sum of Rs.4,000/- p.m. to the 1st respondent and Rs.1,500/- p.m. each to respondent Nos. 2 to 4 towards interim maintenance.

3. The facts of the case are that respondent Nos.1 to 4 herein filed M.C.No.109 of 2015 against the petitioner herein seeking maintenance @ Rs.15,000/- p.m. to the 1st respondent and Rs.7,000/- p.m. each to respondent Nos. 2 to 4. On 27.12.2017, the Court below awarded a sum of Rs.4,000/- p.m. to respondent No.1 and Rs.1,500/- p.m. each to respondent Nos. 2 to 4 towards interim maintenance. The petitioner herein was also directed to pay arrears from the date of the order. Questioning the said orders, the present Criminal Revision Case is filed.

4. Learned counsel for the petitioner would contend that the petitioner is working as a Tailor and his annual income as per the Income Certificate issued by the Naib Tahsildar, Kukatpally, Medchel, is only Rs.98,000/- p.a. Therefore, the interim maintenance granted by the Court below is excessive and the petitioner is not in a position to pay the said amount. Learned counsel for the petitioner has also brought to the notice of this Court that so far the petitioner has paid a sum of Rs.16,000/- towards interim maintenance to respondent Nos. 1 to 4.

5. Having heard the learned counsel for the petitioner and after perusing the record, this Court is of the opinion that vide orders dated 27.12.2017, the Court below awarded interim maintenance as a temporary measure that too till disposal of the maintenance case. The said order would not indicate the pleadings or there is any appreciation with reference to the financial status of the petitioner herein. The said arrangement was made only to get over the situation and for the sustenance of respondent Nos. 1 to 4 herein during the pendency of the maintenance case.

6. Having regard to the submission made by the learned counsel for the petitioner that the petitioner is not in a position to pay the interim maintenance as awarded by the Court below, this Court directs the petitioner to pay interim maintenance @ Rs.5,000/- p.m. in all to respondent Nos. 1 to 4 till disposal of the maintenance case. The petitioner shall calculate the arrears of interim maintenance at

the above said rate and pay to respondent Nos. 1 to 4 within a period of six weeks from today.

Accordingly, Criminal Revision Case is disposed of.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

P. KESHA VA RAO,J

Date: 3.7.2018

KPM

