

THE HON'BLE SRI JUSTICE P.KESHAVA RAO

CRIMINAL REVISION CASE No.929 of 2018

ORDER:

Heard the learned counsel for petitioner as well as the 2<sup>nd</sup> respondent.

The present revision case is filed questioning the order dated 04.01.2018 passed in CrI.M.P.No.116 of 2017 in M.C.No.25 of 2017 on the file of the Judge, Family Court-cum-III Additional District and Sessions Court, Srikakulam, in awarding a sum of Rs.20,000/- towards interim maintenance against the petitioner herein pending the main case.

The facts of the case are that the 2<sup>nd</sup> respondent herein filed M.C.No.25 of 2017 on the file of the Judge, Family Court-cum-III Additional District and Sessions Court, Srikakulam, against the petitioner herein claiming a sum of Rs.30,000/- towards maintenance. Pending the said maintenance case, the 2<sup>nd</sup> respondent filed CrI.M.P.No.116 of 2017 claiming interim maintenance @ Rs.25,000/- per month and an amount of Rs.5,000/- towards litigation expenses.

The petitioner filed counter affidavit denying the averments made in the petition and contested the same. After hearing, the learned Family Judge was pleased to pass orders on 04.01.2018 directing the petitioner to pay a sum of Rs.20,000/- towards interim maintenance from the date of filing of the petition till disposal of M.C.No.25 of 2017 and Rs.5,000/- towards litigation

expenses. Aggrieved by the same, the present revision case is filed.

The counsel for the petitioner would contend that the learned Family Judge failed to appreciate the orders passed by this Court in Crl.R.C.No.2556 of 2017 dated 27.10.2017. In spite of there being an order, once again the court below, without appreciating the documentary evidence filed by the parties, passed the present impugned order.

Per contra, learned counsel appearing for the 2<sup>nd</sup> respondent fairly conceded that the evidence on behalf of the petitioner as well as the 2<sup>nd</sup> respondent is completed and the matter is coming up for arguments and at any rate, the main maintenance case will be disposed of by the court below within a period of two or three weeks. He also contended that since the petitioner is receiving a sum of about Rs.30,000/- towards pension apart from having the land of Acs.9.00, he is not in a position to pay the same, but he has submitted that a reasonable amount can be fixed till disposal of the maintenance case.

Having heard the submissions of both the counsel and after perusal of the record, since evidence is already completed and the matter is coming up for arguments in the court below, this Court is not inclined to go into the merits of the case. However, till the main case is disposed of, the petitioner herein is directed to pay a sum of Rs.10,000/- (Rupees Ten thousand only) towards maintenance to the 2<sup>nd</sup> respondent herein. It is needless to

observe that the arrears of maintenance, if any, shall be paid within a period of three weeks from today. The learned Judge, Family Court-cum-III Additional District and Sessions Court, Srikakulam, is directed to dispose of M.C.No.25 of 2007 itself within a period of four weeks from today.

With the aforesaid observations, the Criminal Revision Case is disposed of.

Miscellaneous petition, if any, shall also stand disposed of.

Date:05.07.2018  
Prv



P.KESHAVA RAO, J