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HONOURABLE SRI JUSTICE P. KESHAVA RAO
CRIMINAL REVISION CASE No.807 of 2018

ORDER:

Heard the learned Counsel for the petitioner. Though notice is served on the respondent No.1 as is evident from the track consignment report, she has not chosen to appear either in person or by engaging any Counsel.

2. The present Criminal Revision Case is filed questioning the orders passed in Criminal M.P. No.1538 of 2016 in M.C.No.326 of 2016 on the file of the Additional Metropolitan Sessions Judge for the trial of JHCBB-cum-Additional Family Court, Hyderabad, wherein a sum of Rs.10,000/- per month was awarded towards interim maintenance to respondent No.1 from the date of petition ie., 17.8.2016. Aggrieved by the same, the present Criminal Revision Case is filed.

3. The facts, in brief, are as under:

The respondent No.1 filed M.C.No.326/2016 against the petitioner herein claiming a sum of Rs.35,000/- per month towards maintenance, on the file of the above said Court. Pending Maintenance Case, she filed a Petition in Criminal M.P. No.1538 of 2016, claiming interim maintenance at the rate of Rs.35,000/- per month.

The petitioner filed counter in the said M.P.1538/2016 and contested the same. The learned Family judge, after hearing the matter, was pleased to allow M.P.No.1538 of 2016 in-part directing the petitioner herein to pay a sum of Rs.10,000/- per month towards interim maintenance from the date of petition ie., 17.8.2016. Aggrieved by the same, the present Criminal Revision Case is filed.

4. The learned Counsel for the petitioner would contend that the petitioner is unemployed and he is not having any source of income. He has been residing with his parents and it is difficult for him to pay interim maintenance as awarded by the Court below. He also submits that there is no basis for arriving at such quantum by the Court below towards interim maintenance.

5. Having heard the learned Counsel for the petitioner and on perusal of the material on record, would reveal that though it is stated in Maintenance Case that petitioner is doing business in shipping and logistics and earning an amount of Rs.1,20,000/- per month and getting rents of Rs.25,000/- from various houses, nothing is produced in this regard. On perusal of the order would also indicate that no evidence is forthcoming to the effect that the petitioner has been doing job and earning an amount of Rs.30,000/- per month. In these circumstances, the learned Family Judge, as a temporary measure, pending the Maintenance Case, awarded a sum of Rs.10,000/- per month towards interim maintenance so that the respondent No.1 can have the sustenance during the pendency of the Maintenance Case. In fact, the financial capacity of the parties is not discussed in the impugned order since it is only a temporary arrangement made during the pendency of the Maintenance Case, this Court is not inclined to interfere with the orders passed by the learned Family judge in Criminal M.P. No.1538 of 2016 in M.C.No.326 of 2016. Hence, there are no merits in the Criminal Revision Case and it is accordingly dismissed.

Contd..P.3.

However, the learned Additional Metropolitan Sessions Judge for the trial of JHCBB-cum-Additional Family Court, Hyderabad, is directed to dispose of the Maintenance Case (M.C. No.326 of 2016) itself, within a period of four months from the date of receipt of a copy of this Order.

Pending Miscellaneous Petition/s, if any, shall stand closed.

JUSTICE P. KESHA RAO

Dated: 18-7-2018

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