

HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE No.1763 of 2010

ORDER:

The present revision case is filed assailing the orders passed in CrI.M.P.No.22 of 2010 in M.C.No.195 of 2009 dated 31.08.2010 on the file of the Family Judge-cum-IV Additional District and Sessions Judge, Vijayawada, awarding a sum of Rs.2,500/- per month towards interim maintenance to the 1st respondent.

The facts in brief are that the 1st respondent is the legally wedded wife of the petitioner. Their marriage was performed on 21.08.2008. At the time of marriage, the parents of the 1st respondent paid Rs.2 lakhs on 06.08.2008 and again on 21.08.2008 they paid Rs.3 lakhs and other gold ornaments. Though the marriage was performed, the petitioner did not co-operate with her for consummation of marriage. The petitioner stated that he underwent treatment and as such there was no consummation of marriage. However, the 1st respondent lived with the petitioner with fond hope that there may be a cure for his problem. However, the petitioner suspected her character and also insisted to sell away her land of Ac.0.10 cents situated at Ramavarapadu. In the mediation, the petitioner and his family members submitted apology. However, they stated that they require Rs.2 lakhs for treatment to cure physical problem and Rs.1 lakh for his medical treatment. Since the 1st respondent was neglected, she filed the above said maintenance case.

The petitioner filed his counter denying all the averments made in the maintenance case and contended *inter alia* that immediately after the marriage, it was consummated, but, the 1st respondent never treated him cordially and subjected him to cruelty. The 1st respondent also insisted him for partition of his ancestral properties. It is relevant that the petitioner came to know that the 1st respondent is leading an immoral life and she undergone abortions twice. In fact, the 1st respondent took away all valuable articles from his house. Pending the maintenance case, the 1st respondent filed CrI.M.P.No.22 of 2010 seeking interim maintenance @ Rs.7,000/- per month. The learned Family Judge, after hearing the parties, allowed the petition in part by orders dated 31.08.2010 and directed the petitioner to pay a sum of Rs.2,500/- per month towards interim maintenance from the date of filing of the petition i.e., 07.10.2009. Aggrieved by the said orders, the present revision case is filed.

From a perusal of the material on record, it is revealed that the learned Family Judge has not considered the contentious issues or the financial capacity of both the parties in detail. In the maintenance case, the 1st respondent has categorically stated that the petitioner is having immovable ancestral properties and filed copies of the documents. In fact, the petitioner in his counter stated that the 1st respondent insisted for partition of the said ancestral properties, apart from, serious allegation with regard to leading of immoral life. The truth or otherwise of the serious allegations would be elicited only during the course of trial.

However, the learned Family Judge, as a temporary measure to give sustenance to the 1st respondent, directed the petitioner to pay a sum of Rs.2,500/- per month towards interim maintenance till the disposal of the maintenance case. The said temporary arrangement is not final and binding on the petitioner. When the petitioner admitted with regard to possessing of ancestral properties and to have sustenance for the 1st respondent during the pendency of the maintenance case, this Court is of the opinion that there is no irregularity or illegality in the orders passed by the Court below. In fact, the petitioner, being the husband, is having legal and moral obligation to maintain his wife/1st respondent. Therefore, there are no merits in the revision case and the same is liable to be dismissed.

Accordingly, the criminal revision case is dismissed. It is needless to observe that in the peculiar facts and circumstances of the case, the learned Family Judge-cum-IV Additional District and Sessions Judge, Vijayawada, is directed to dispose of the maintenance case itself as expeditiously as possible.

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHAVA RAO, J

Date: 17.09.2018.

ES