

THE HON'BLE SRI JUSTICE P.KESHA RAO

CRIMINAL PETITION No.5069 OF 2018

ORDER:

Heard the learned counsel for the petitioner and respondents 1 and 2.

The present Criminal Petition is filed questioning the orders passed in M.P.No.1 of 2018 in M.C.No.247 of 2017, dated 21.03.2018 on the file of the Judge, Additional Family Court at Hyderabad in awarding a sum of Rs.15,000/- per month to the respondents 1 and 2 herein towards interim maintenance pending disposal of main M.C.

The facts in brief are that the first respondent herein is the legally wedded wife of the petitioner. Their marriage was performed on 16.08.2013 and out of the wedlock, they were blessed with second respondent. Since some disputes arose between the petitioner and the first respondent, various proceedings have been instituted against each other in the form of restitution of conjugal rights, custody of the second respondent, D.V.C. and the present M.C. proceedings. During the pendency of the M.C., the respondents 1 and 2 filed petition in M.P.No.1 of 2018 seeking interim maintenance at the rate of Rs.1,10,000/- per month. The learned Judge, after hearing the parties, passed orders on 21.3.2018 directing the petitioner to pay a sum of Rs.15,000/- per month to the respondents 1 and 2 towards interim maintenance pending disposal of the main M.C. Aggrieved by the same, the present Criminal Petition is filed.

The learned counsel for the petitioner would contend that the interim maintenance as awarded by the Additional Family Judge is excessive. The petitioner is not in a position to pay the said amount. The counsel also brought to the notice of this Court that the first respondent is working as a doctor and she got her own independent means and thereby she is not entitled for any maintenance.

Per contra, the learned counsel for the respondents 1 and 2 contended that the petitioner miserably failed to place any evidence before the Court below to show that the first respondent is working as a doctor and earning a sum of Rs.40,000/- per month as alleged.

Having heard both the counsel and from the perusal of the material on record, it is revealed that while awarding interim maintenance, the learned Additional Family Judge has not discussed anything in detail with regard to the financial status of both the parties. However, in order to get over the difficulties and to have sustenance during the pendency of the M.C., the learned Judge awarded interim maintenance as a temporary measure. The interim arrangement made, is not a final one and it does not have any effect on the final order that is going to be passed on merits. That being the case, this Court is not inclined to interfere with the impugned order. That apart, when the respondents 1 and 2 have categorically pleaded that the petitioner is working as a doctor in Global Hospitals and drawing a salary of Rs.80,000/- per month apart from getting rental income on the own house and agricultural lands, in all, about Rs.2,00,000/- per month, the

petitioner has not produced any contra evidence. Therefore, by the impugned orders, since the learned Additional Family Judge has made a temporary arrangement for sustenance of respondents 1 and 2 herein pending the M.C., this Court does not find any irregularity or illegality in the impugned order.

Accordingly, the Criminal Petition is dismissed. However, the learned Judge, Additional Family Court at Hyderabad is directed to dispose of the M.C. itself as expeditiously as possible.

Pending miscellaneous petitions, if any, shall stand closed.

29th AUGUST 2018.
Tsr



P.KESHA VA RAO,J