

THE HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE No.1290 OF 2018

ORDER:

Heard the learned counsel for the petitioner. In spite of service of notice on the 2nd respondent, there is no representation on her behalf. The proof of service on the 2nd respondent is filed vide USR.No.36302 of 2018.

2. The present Criminal Revision Case is filed questioning the orders passed in CrI.M.P.No.347 of 2017 in M.C.No.62 of 2017 dated 22.12.2017 on the file of the Court of Family Judge, Khammam, awarding a sum of Rs.3,000/- p.m. each to the respondents 3 to 5 towards interim maintenance.

3. The facts of the case are that the respondents 2 to 5 herein filed M.C.No.62 of 2017 against the petitioner on the file of the Court of Family Judge at Khammam claiming a sum of Rs.6,000/- each to respondents 2 to 5 herein. Pending the said maintenance case, the respondents 2 to 5 herein filed CrI.M.P.No.347 of 2017 seeking interim maintenance @ Rs.3,000/- p.m. The petitioner herein filed counter and opposed the same. After hearing, on 22.12.2017, learned Judge, Family Court at Khammam, passed orders directing the petitioner herein to pay a sum of Rs.3,000/- each to the

respondents 3 to 5 herein. Aggrieved by the same, the present Criminal Revision Case is filed.

4. Learned counsel for the petitioner would contend that the petitioner is only a press reporter and he is driving an auto as a part time job. The financial capacity of the petitioner will not permit him to pay Rs.3,000/- p.m. each to the respondents 3 to 5. He also brought to the notice of the Court that the 2nd respondent is working as an Anganwadi teacher and earning Rs.12,000/- p.m., the 3rd respondent is getting Rs.1,500/- p.m. as a handicapped pension from the Government and the 2nd respondent is getting Rs.1,000/- towards Aasara pension. In those circumstances, he requested the Court to refuse the interim maintenance pending the disposal of the main case.

5. Though notice is served on the 2nd respondent, she has not chosen to appear either in person or by engaging any counsel.

6. Having heard the learned counsel for the petitioner and a perusal of the material on record, it is revealed that the learned Judge, Family Court, has awarded maintenance @ Rs.3,000/- p.m. each to the respondents 3 to 5 as an interim measure to get over the present situation till the disposal of the main case.

7. A perusal of the order would indicate that the financial capacity of the petitioner vis-à-vis the respondents 2 to 5 has

not been discussed at all. The amount so awarded is only on mere assumption that the petitioner herein will be able to pay Rs.3,000/- p.m. each to the respondents 3 to 5. If that be so, taking into consideration the submissions made by the learned counsel for the petitioner, this Court feels it appropriate to reduce the interim maintenance from Rs.3,000/- to Rs.2,000/- p.m. each to the respondents 3 to 5 pending the main case.

8. Therefore, the present Criminal Revision Case is allowed in part modifying the order passed by the Court below by reducing the interim maintenance to Rs.2,000/- p.m. each to the respondents 3 to 5 herein pending disposal of the main case. It is needless to observe that the arrears accrued till date at the rate indicated above shall be paid within a period of four weeks from today.

9. Learned Judge, Family Court, Khammam, is directed to dispose of the main case itself within a period of four months from the date of receipt of a copy of this order.

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

P. KESHA RAO,J

Date: 6.7.2018

KPM