

HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE No.1345 of 2018

ORDER:

Heard the learned counsel for the petitioner. Though notices are served on respondent Nos.2 to 4, none appeared on their behalf.

The present revision case is filed challenging the orders passed in CrI.M.P.No.248 of 2015 in M.C.No.359 of 2015 dated 01.03.2018 on the file of the Judge, Family Court-cum-XII Additional District Judge, Guntur, in granting interim maintenance @ Rs.1,500/- per month each to respondent Nos.3 and 4 from the month of filing of the petition i.e., September, 2015 till August, 2017, and thereafter granting maintenance @ Rs.2,500/- per month each to respondent Nos.2 and 3.

The facts in brief are that respondent Nos.2 to 4 filed M.C.No.359 of 2015 against the petitioner claiming a sum of Rs.10,000/- per month each on the file of the above said Court. Pending the said maintenance case, they filed CrI.M.P.No.248 of 2015 seeking interim maintenance. The petitioner filed counter opposing the said relief. The Court below, after hearing, was pleased to allow the petition in part on 01.03.2015. The relevant portion reads as under:

“In the result, petition is partly allowed granting maintenance at the rate of Rs.1,500/- per month each (Rupees one thousand and five hundred only) (totally Rs.3,000/-) towards interim maintenance to the petitioners 2 and 3 from the month of filing of this petition i.e., September-2015 till the month of August-2017, thereafter

granting maintenance @ Rs.2,500/- (Rupees two thousand and five hundred only) per month each (Totally Rs.5,000/-) payable by respondent.”

Aggrieved by the said judgment, the present revision case is filed.

Learned counsel appearing for the petitioner would contend that the Court below committed an irregularity in granting interim maintenance without considering the fact that the financial status of the petitioner is not proved. The 2nd respondent has not established that she is not able to maintain herself. On the other hand, the counsel submitted that the 2nd respondent is financially sound and she can maintain respondent Nos.3 and 4 also. When respondent Nos.2 to 4 have not filed any evidence to show that the petitioner is having immovable properties and also having capacity to maintain them, the interim maintenance ought not to have been awarded.

Having heard the submission of the learned counsel for the petitioner and from a perusal of the material on record it is revealed that the interim maintenance at the above said rate is awarded by the trial Court only as a temporary measure enabling respondent Nos.2 to 4 to get over the period of hardship and sustain during the pendency of the main maintenance case. In fact, a perusal of the impugned order would not indicate that the learned Family Judge has considered the financial aspects of any of the parties in depth. Only as a temporary measure the impugned orders have been

passed. Therefore, this Court is not inclined to interfere with the said order.

Accordingly, the revision case is dismissed.

However, in the peculiar facts and circumstances of the case, the learned Family Judge is directed to dispose of M.C.No.359 of 2015 itself within a period of four months from the date of receipt of a copy of this order.

Learned counsel for the petitioner brought to the notice of this Court that warrants have been issued against the petitioner and to recall the same, Crl.M.P.No.151 of 2018 has been filed before the Court below. Learned counsel also brought to the notice of this Court that as of now total arrears of interim maintenance accrued is Rs.1,17,000/-.

In view of the above, the learned Family Judge is also directed to consider Crl.M.P.No.151 of 2018 and pass appropriate orders. The petitioner is directed to pay the said amount of Rs.1,17,000/- within a period of eight weeks from today.

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHAVA RAO, J

Date: 20.07.2018.

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