

HONOURABLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE No.1344 of 2018

ORDER:

Heard the learned Counsel for petitioner. Pursuant to the order dated:25.6.2018, though notice is served on the respondent No.1 herein, she has not chosen to appear either in person or by engaging a Counsel.

2. The present Criminal Revision Case is filed questioning the orders passed in Criminal M.P. No.152 of 2017 in M.C.No.20 of 2017, dated:05.3.2018 on the file of the Judge, Family Court-cum-VI Additional Sessions Judge at Khammam.

3. The facts of the case are that the respondent No.1 filed M.C.No.20 of 2017 against the petitioner herein claiming a sum of Rs.20,000/- per month towards maintenance on the file of the Judge, Family Court-cum-VI Additional Sessions Judge at Khammam. Pending the said Maintenance Case, the respondent No.1 filed Criminal M.P. No.152 of 2017 under section 125(1) of Cr.P.C., claiming interim maintenance at the rate of Rs.20,000/- per month.

4. It is the contention of the respondent No.1 that she is the legally wedded wife of the petitioner herein. Their marriage was performed on 11.5.2014 as per the customs prevalent in their community. At the time of marriage, her parents have paid Rs.4,00,000/- in cash, 8 tulas of gold and presented house hold articles worth of Rs.1,00,000/- to the petitioner herein. It is also her case that the petitioner herein used to avoid her to lead marital life. When the petitioner herein was referred to clinic in Vijayawada, doctors said to have noticed that the petitioner is unfit for marital life.

5. The petitioner herein filed counter denying the averments made in maintenance case. The Court below without appreciating in detail the factual aspect of both the parties, fixed interim maintenance at the rate of Rs.5,000/-, pending Maintenance Case and passed orders on 05.3.2018. Aggrieved by the same, the present Criminal Revision Case is filed.

6. The learned Counsel for the petitioner contends that the petitioner is idle, his services are terminated from ICICI bank and at present he is dependant on his parents. He also contended that the respondent No.1 herein is highly qualified but she is not doing any job only for the purpose of harassing petitioner under the guise of claiming maintenance.

7. Having heard the submissions of the learned Counsel for the petitioner and on perusal of the material on record would reveal that the award of interim maintenance at the rate of Rs.5,000/- is only temporary measure arranged by the Court, pending Maintenance Case, so as to provide sustenance to the respondent No.1, during the pendency of the M.C.No.20 of 2017. The said amount is not a conclusive proof vis-à-vis any basis for passing orders on merits. In these circumstances, this Court is not inclined to interfere with the impugned orders dated:5.3.2018. Accordingly, there are no merits in the Criminal Revision Case and it is dismissed. However, the learned Judge, Family Court-cum-VI Additional Sessions Judge at Khammam, is directed to dispose of the main case itself, within a period four months from the date of receipt of a copy of this Order.

Pending Miscellaneous Petitions, if any, shall stand closed.

JUSTICE P. KESHA RAO

Dated: 12-07-2018
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HONOURABLE SRI JUSTICE P. KESHAVA RAO

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