

THE HON'BLE SRI JUSTICE P. KESHA RAO  
CRIMINAL REVISION CASE NO.1436 OF 2018

ORDER:

1. Heard the learned counsel for the petitioner as well as the learned counsel for respondent Nos.1 to 3.
2. The present Criminal Revision Case is filed challenging the orders passed in CrI.M.P.No.89 of 2018 in M.C.No.19 of 2016 dated 17.4.2018 on the file of the Court of the Judicial Magistrate of First Class, Dhone, granting interim maintenance @ Rs.3,000/- p.m. to respondent No.1 herein and Rs.2,000/- p.m. each to respondent Nos.2 and 3 from the date of the petition i.e., 3.1.2018.
3. The facts in brief are that respondent No.s 1 to 3 filed M.C.No.19 of 2016 claiming maintenance @ Rs.25,000/- p.m. towards maintenance against the petitioner in the above said Court. During the pendency of the M.C., respondent Nos. 1 to 3 have filed a petition vide CrI.M.P.No.89 of 2018 claiming interim maintenance @ Rs.7,000/- p.m. to respondent No.1 and Rs.4,000/- p.m. each to respondent Nos. 2 and 3 herein. The petitioner filed his counter and contested the matter. After hearing, learned Magistrate, on 17.4.2018, allowed the said CrI.M.P.No.89 of 2018 in part directing the petitioner to pay monthly maintenance @ Rs.3,000/- p.m. to respondent No.1 and Rs.2,000/- p.m. each to respondent Nos. 2 and 3 pending the maintenance case. Aggrieved by the said orders, the present Criminal Revision Case is filed.

4. Learned counsel for the petitioner would submit that the maintenance case as filed before the learned Magistrate is not maintainable. The Court below has awarded the interim maintenance without there being any evidence with regard to the financial capacity as well as the monthly income of the petitioner herein. The petitioner, at present, is an unemployee and is dependant on his parents. Respondent No.1 and her parents went to the Engineering College where the petitioner has been working and got removed the petitioner from service.

5. Per contra, learned counsel for respondent Nos.1 to 3 supported the impugned orders on the ground that there is no irregularity or illegality in the orders passed by the Court below.

6. Having heard both the counsel and on perusal of the material on record, it is revealed that respondent Nos. 1 to 3 filed M.C.No.19 of 2016 against the petitioner. Pending the M.C., in CrI.M.P.No.89 of 2018, they have invited an order of Rs.3,000/- p.m. to respondent No.1 and Rs.2,000/- p.m. each to respondent Nos. 2 and 3 towards interim maintenance. A perusal of the order reveals that the financial status as well as the income of the parties, has not been dealt with in detail by the learned Magistrate. The interim maintenance has been awarded as a temporary measure to enable respondent Nos. 1 to 3 to sustain during the pendency of the maintenance case. Hence, this Court cannot interfere with the orders passed by the learned Magistrate on the ground that it is purely an interim arrangement made when the maintenance case is

pending consideration. Therefore, this Court finds no merits in the Criminal Revision Case.

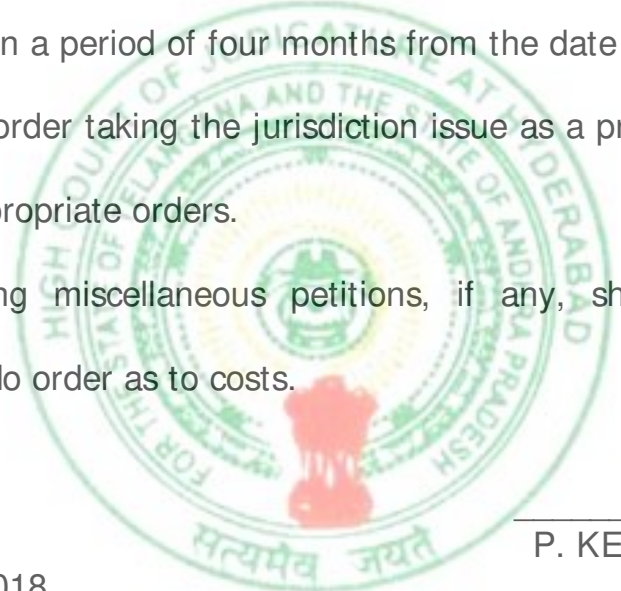
7. Learned counsel for the petitioner also submitted that the maintenance case as filed is not maintainable because the Court below does not have the territorial jurisdiction. As far as the said issue is concerned, this Court is not inclined to consider at this stage.

8. Accordingly, the Criminal Revision Case is dismissed. However, the learned Magistrate is directed to dispose of M.C.No.19 of 2016 within a period of four months from the date of receipt of a copy of this order taking the jurisdiction issue as a preliminary issue and pass appropriate orders.

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

Date: 20.7.2018

KPM



P. KESHA RAO, J