

HON'BLE SRI JUSTICE P. KESHA VA RAO

CRIMINAL REVISION CASE No.1453 of 2018

ORDER

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

The present criminal revision case is filed challenging the orders dated 30.12.2017 passed in CrI.M.P.No. 78 of 2015 in FCOP Nol. 537 of 2015 by the Judge, Additional Family Court, Visakhapatnam granting interim maintenance at Rs.3,000/- per month to the first respondent and Rs.2,000/- per month to the second respondent, pending the FCOP.

The brief facts of the case are that the respondents 1 and 2 filed FCOP No.537 of 2015 seeking maintenance @ Rs.25,000/- and Rs.15,000/- per month to the respondents 1 and 2 respectively, against the petitioner on the file of the Judge, Additional Family Court, Visakhapatnam. Pending the said petition, CrI.M.P.No.78 of 2015 is filed seeking interim maintenance. The Court below, after considering the rival contentions, granted interim maintenance @ Rs.3,000/- per month to the first respondent and Rs.2,000/- per month to the second respondent by orders dated 30.12.2017. Aggrieved by the same, the present criminal revision case is filed.

Learned counsel appearing for the petitioner would contend that the petitioner is doing a very small job earning a sum of Rs.3,000/- to Rs.4,000/- per month and therefore, he is not in a position to pay the interim maintenance as awarded by the Court below. Per contra, the learned counsel appearing for the respondents 1 and 2 supported the impugned orders.

Having heard both the learned counsel and also a perusal of the material on record, including the impugned orders, it is revealed that the learned Family Judge while awarding interim maintenance have not discussed the financial status as well as the source of income of any of the parties. As a temporary arrangement and to have sustenance for the respondents 1 and 2, awarded interim maintenance at the above said rate only during the pendency of the main O.P. In that regard, this court does not find any irregularity or illegality in the orders passed by the learned Family Judge. The interim maintenance as awarded at the above rate, will not become final or will it have any effect on the orders that are going to be passed in the main O.P. In these circumstances, there are no merits in the criminal revision case and the same is liable to be dismissed.

Accordingly, the criminal revision case is dismissed. However, the learned Family Judge is directed to dispose of the main FCOP No.357 of 2015 itself within a period of four months from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHAVA RAO, J

Date: 20.07.2018.
CCM

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