

HON'BLE SRI JUSTICE P. KESHA VA RAO

CRIMINAL REVISION CASE No.1514 of 2018

ORDER:

Heard the learned counsel for the petitioner as well as the second respondent.

The present criminal revision case is filed questioning the orders dated 02.03./2018 in CrI.M.P.No.119 of 2016 in OP No.228 of 2016 on the file of the Judge, Family Court-cum-V Additional District Judge, Visakhapatnam in awarding a sum of Rs.12,500/- per month towards interim maintenance pending the original petition.

The facts of the case are that the second respondent filed OP 228 of 2016 against the petitioner seeking maintenance @ Rs.30,000/- per month apart from other aspects. Pending the O.P., a petition in CrI.M.P.No.119 of 2016 is filed seeking interim maintenance @ Rs.30,000/- per month to the second respondent. The petitioner herein filed counter opposing the relief sought by the second respondent. After hearing, the learned Family Judge, awarded interim maintenance at Rs12,500/- per month, pending disposal of the original petition. Aggrieved by the same, the present criminal revision is filed.

The learned counsel appearing for the petitioner contended that the learned Family Judge without considering the financial aspect and without there being any material before the Court, awarded Rs.12,500/- per month towards interim maintenance. He also contended that the impugned order has been passed in a mechanical manner without even advertng to the material placed

on record. Per contra, the learned counsel appearing for the second respondent supported the impugned order.

Having heard both the counsel and perusal of the material on record would disclose that the interim maintenance as awarded by the Court below is only as a temporary measure to get over the difficulties of the second respondent and sustain, during the pendency of the main original petition. While awarding the interim maintenance, the Court below has neither gone into and decided the income of the petitioner per month nor verified the source of income of the respondent. It is only a temporary arrangement made and that itself cannot be treated as final one and it is subject to modification in final orders. The parties are yet to complete the pleadings and also adduce their evidence. Under these circumstances, this Court feels that 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.228 of 2016 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. KESHA VA RAO, J

Date: 13.07.2018.
CCM

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