

HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE NO: 1652 OF 2018

ORDER :

This Criminal Revision Case is arising out of the order dated 23/03/2018 passed by the XV-Additional District Judge-cum-II-Additional Family Judge, Hyderabad in M.C.No. 27 of 2017.

2. Heard the arguments of Sri M. Ajay Kumar, learned counsel for the petitioner and Sri Venkateswarlu Valmiki, the learned counsel for the respondents and perused the material available on record.

4. The contention of the learned counsel for the petitioner is that the lower court failed to appreciate that the respondent No.2 worked as 'technical support' in "WIPRO" and getting more salary than the petitioner. It is further contended that the trial court granted interim maintenance without there being any proof of the income of the petitioner. It is further submitted that the respondent No.2 is earning Rs.60,000=00 per month. She refused to stay with the petitioner and had voluntarily deserted him. When the Revision Petitioner met with an accident, she had not even stayed with him. On these grounds, the respondents 2 and 3 herein are not entitled for any interim maintenance.

6. The learned counsel for the respondents submits that the petitioner has neglected the respondents 2 and 3 and therefore they are staying away from him. The trial court awarded only interim maintenance, therefore, the petitioners are entitled for grant of interim maintenance during the pendency of the maintenance case.

7. Ordinarily the grant of interim maintenance in Criminal Miscellaneous Petitions amounts to interlocutory order, which cannot be interfered with.

8. In the instant case, the counsel for the Revision Petitioner submits the award of maintenance itself is not based on any evidence. It is also submitted that the respondent No.2 is an employee having sufficient means to maintain herself and all these questions are to be decided on receipt of evidence by the trial Court. The trial court without considering all these aspects has granted interim maintenance, which is causing hardship to the Revision Petitioner.

9. Having regard to the facts and circumstances of this case and in view of the fact that there are disputed questions of fact to be decided by the trial court and the maintenance granted by the trial court was only as a measure of interim relief and it appears that there was no proper evidence for considering by the trial court granting the interim maintenance, the order passed by the trial court is modified to that of the petitioner paying maintenance of Rs. 7,000=00 to the second respondent, Rs.3,000=00 to the

girl child. The petitioner is directed to deposit arrears of maintenance amount as fixed above from the date of petition within four weeks from the date of receipt of a copy of this order. On such deposit, the respondent No. 2 is permitted to withdraw the same. The Revision Petitioner is also directed to deposit the arrears of interim maintenance modified as above, regularly till the disposal of the maintenance case.

10. With the above observation, this Criminal Revision Case is disposed of.

11. As a sequel, miscellaneous applications if any, pending in this Criminal Revision Case shall stand disposed of.



JUSTICE GUDISEVA SHYAM PRASAD

19/11/2018
I s L

NB: Furnish CC tomorrow

HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE NO: 1652 OF 2018

[RESULT: DISPOSED OF]



Circulation No. 537
Date: 19-11-2018
Court Master: I s L