

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE NO.2365 OF 2018

ORDER:

This revision arises out of order, dated 12.12.2017 in M.C.No.25 of 2017 on the file of the Judge, Family Court-cum-VI Addl. District Judge, Kadapa.

2. The 2nd respondent herein (wife) filed the above M.C.25 of 2017 under Section 125 Cr.P.C. against the petitioner (husband) for grant of maintenance. The trial Court on consideration of material on record, granted maintenance of Rs.20,000/- to the 2nd respondent. Hence, this revision.

3. Heard the arguments of the learned counsel for the petitioner and the learned counsel for the 2nd respondent.

4. Learned counsel for the petitioner submits that the petitioner is working as Revenue Inspector and getting salary of Rs.28,909/- as per the salary certificate.

5. Learned counsel for the 2nd respondent disputed the same and submitted that he was drawing salary of Rs.60,000/- per month.

6. In view of the submissions made by the learned counsel for the petitioner and the 2nd respondent, there is a question of fact, which has to be decided by the trial Court whether the petitioner was drawing salary of Rs.60,000/- or not.

7. Accordingly, the Criminal Revision is allowed setting aside the impugned order. However, the matter is remanded to the trial Court for disposal after receiving the

evidence from both parties. The petitioner shall continue to pay an amount of Rs.10,000/- per month till the disposal of M.C. by the trial Court. The trial Court without getting influenced by any other findings of this Court, may consider the M.C. on merits and pass appropriate orders in accordance with law within a period of one month from the date of receipt of a copy of this order.

GUDISEVA SHYAM PRASAD, J

DATED: 25-10-2018

Hsd

