

THE HON'BLE SRI JUSTICE P.KESHA RAO

CRIMINAL REVISION CASE No.760 OF 2017

ORDER:

This Criminal Revision Case is filed questioning the orders passed in CrI.M.P.No.1590 of 2016 in M.C.No.317 of 2016, dated 10.01.2017 on the file of the Additional Metropolitan Sessions Judge for the trial of JHCBBC-cum-Additional Family Court-cum-IX Metropolitan Sessions Judge, Hyderabad, granting a sum of Rs.4,000/- per month to the first respondent and Rs.2,500/- per month each, to the respondents 2 to 5 herein towards interim maintenance pending the main M.C.

Heard the learned counsel for the petitioner and respondents 1 to 5.

The facts of the case are that the respondents 1 to 5 herein filed M.C.No.317 of 2016 against the petitioner herein claiming a sum of Rs.80,000/- per month towards maintenance on the file of the Additional Metropolitan Sessions Judge for the trial of JHCBBC-cum-Additional Family Court-cum-IX Metropolitan Sessions Judge, Hyderabad. Pending the main case, the respondents 1 to 5 herein filed CrI.M.P.No.1590 of 2016 claiming interim maintenance of Rs.40,000/- per month. The petitioner herein filed a counter and opposed the same. The Court below after hearing both sides, was pleased to allow the said petition in part, vide orders dated 10.01.2017 directing the petitioner herein to pay a sum of Rs.4,000/- per month to the first respondent and Rs.2,500/- per month each, to the respondents 2 to 5 towards interim maintenance pending the main M.C.

The counsel appearing for the petitioner would contend that the Court below even without appreciating the financial status and income of the petitioner herein, has fixed the interim maintenance at the rate as mentioned above. In fact, the petitioner is working only as a mechanic in M/s. Refrigeration and Air Condition, but not the Proprietor of the said firm.

Per contra, the counsel appearing for the respondents 1 to 5 would submit that the petitioner herein is earning a sum of Rs.2.00 lakh per month and his financial position permits him to pay a sum of Rs.40,000/- per month towards interim maintenance to the respondents 1 to 5.

A perusal of the order passed by the Court below would indicate that though the interim maintenance has been awarded at the rate of Rs.4,000/- per month to first respondent and Rs.2,500/- per month each to the respondents 2 to 5, there is no appreciation with regard to the financial status as well as the income of the petitioner herein. Even the order would not indicate that the respondents 1 to 5 have filed any evidence on record to show that the petitioner herein is earning a sum of Rs.2.00 lakh per month. Be that as it may, by virtue of the interim orders, the Court below has made a temporary arrangement for payment of interim maintenance pending the main case. Therefore, this Court is not inclined to interfere with the impugned orders passed by the Court below and there are no merits in the Criminal Revision Case.

Accordingly, the Criminal Revision Case is dismissed. However, the Additional Metropolitan Sessions Judge for the trial of JHCBBC-cum-Additional Family Court-cum-IX Metropolitan Sessions Judge, Hyderabad is hereby directed to dispose of the main M.C. within a period of four months from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall also stand closed.

P.KESHA VA RAO,J

26th JUNE 2018.
Tsr

