

HON' BLE SRI JUSTICE G. SHYAM PRASAD

CrI.R.C.No. 2988 of 2018

JUDGMENT:-

This Criminal Revision Case arises out of the order dated 02.08.2018 in CrI.M.P.No. 73 of 2018 in M.C.No. 367 of 2017 passed by IV Additional District Judge-cum-I Additional Family Judge, Ranga Reddy District.

Respondent Nos.2 and 3 herein have filed M.C.No. 367 of 2017 under Section 125(1) Cr.P.C. seeking a direction to the petitioner herein to pay a sum of Rs.50,000/- p.m. to the 2nd respondent and Rs.40,000/- p.m. to the 3rd respondent towards their interim maintenance till disposal of the main M.C. The learned trial Court, while allowing the petition in part, directed the petitioner to pay an amount of Rs.25,000/- p.m. to the 2nd respondent and Rs.10,000/- p.m. to the 3rd respondent towards their interim maintenance pending disposal of the main M.C.

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the 1st respondent and perused the material placed on record.

The learned counsel for the petitioner contends that the order passed by the learned Family Judge suffers from infirmities as it is not based on the evidence. The petitioner has no source of income, as such, he has no capacity to pay

the maintenance. It is further contended that Respondent Nos.2 and 3 have not brought on record any evidence to show that the petitioner is earning any income, and the trial Court, without there being any proof of income, has erroneously granted interim maintenance.

It is pertinent to note that no revision is maintainable against interlocutory orders passed in cases relating to maintenance. It is obvious from the impugned order that respondent Nos.2 and 3 were granted interim maintenance till disposal of the main M.C. The learned counsel for the petitioner submits that there is nothing to be adjudicated in M.C. as the interim maintenance was granted after evidence was adduced by the trial Court, therefore, the impugned order passed by the learned Family Judge is in the nature of final order. But, the contention of the learned counsel for the petitioner cannot be accepted for the reason that the order of the learned Family Judge shows that in the petition filed by respondent Nos.2 and 3, interim maintenance was granted till disposal of the main M.C.

Having regard to the facts and circumstances of the case, and in view of the fact that Revision Case is not maintainable against the interlocutory order passed by the trial Court relating to Maintenance Case, the matter is remanded back to the trial Court and the learned IV

Additional District Judge-cum-I Additional Family Judge, Panga Reddy, is directed to dispose of the Maintenance Case within a period of two months from the date of receipt of a copy of this judgment.

With the above observations, the Criminal Revision Case is disposed of.

The Registry is directed to return the certified copy of the order dated 02.08.2018 in CrI.M.P.No. 73 of 2018 in M.C.No. 367 of 2017 passed by IV Additional District Judge-cum-I Additional Family Judge, Panga Reddy District, to the learned counsel for the petitioner.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

05.11.2018

bcj

G.SHYAM PRASAD, J

