

THE HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE No.2992 OF 2017

ORDER:

Heard the learned counsel for the petitioner. Though notice is served on the counsel appearing for respondents 2 and 3 on 31.07.2018 in the Court below vide track consignment report, there is no representation on their behalf.

2. The present Criminal Revision Case is filed challenging the orders, dated 27.09.2017, passed in CrI.M.P.No.109 of 2017 in M.C.No.283 of 2016 on the file of Court of IV Additional District Judge-cum-I Additional Family Judge, Ranga Reddy District, awarding a sum of Rs.5,000/- each to respondents 2 and 3 towards interim maintenance pending M.C.No.283 of 2016.

3. The facts, in brief, are that respondents 2 and 3 herein filed M.C.No.283 of 2016 on the file of IV Additional District Judge-cum-I Additional Family Judge, Ranga Reddy District, against the petitioner herein, claiming a sum of Rs.8,000/- per month each towards maintenance. Pending the said Maintenance Case, respondents 2 and 3 filed a petition in CrI.M.P.No.109 of 2017 under Section 125 (1) Cr.P.C for grant of interim maintenance at Rs.8,000/- per month each. The petitioner filed counter opposing the said petition. After hearing, the learned Family Judge was pleased to allow the petition in-part by order, dated 27.09.2017, awarding a sum of Rs.5,000/- each per month to respondents 2 and 3 towards

interim maintenance from the date of the petition. Aggrieved by the same, the present Criminal Revision Case is filed.

4. Learned counsel appearing for the petitioner, would submit that the learned Family Judge erred in not considering the oral as well as documentary evidence adduced by the petitioner while awarding interim maintenance. The learned Family Judge also failed to consider the income of the petitioner. The learned Family Judge ought to have considered the aspect that the petitioner is willing to take back respondents 2 and 3 into his custody and to prove the same, he filed a petition in G.W.O.P.No.237 of 2017 on the file of Court of Principal District Judge at Warangal. He also contended that awarding of interim maintenance at the rate of Rs.5,000/- per month each is excessive.

5. Having heard the learned counsel for the petitioner and from the perusal of the material on record, more particularly, from the impugned order, it is revealed that respondents 2 and 3 are sons of the petitioner. They also filed M.C.No.283 of 2016 against the petitioner claiming a sum of Rs.8,000/- per month each towards their maintenance. During pendency of the said M.C., they filed Crl.M.P.No.109 of 2017 claiming interim maintenance, resulting in passing of the impugned order. A perusal of the impugned order would indicate that the learned Family Judge has not considered the financial aspect of the parties, more particularly, the petitioner for arriving at the said

amount. It is purely a temporary arrangement made by the learned Family Judge enabling respondents 2 and 3 to get over the difficulties during pendency of the M.C. The impugned order is not a final one and it cannot have any effect in the final orders that are going to pass on merits in the main Maintenance Case. If that be so, this Court is not inclined to interfere with the orders passed by the learned Family Judge.

6. Accordingly, the Criminal Revision Case is dismissed. However, the learned IV Additional District Judge-cum-I Additional Family Judge, Ranga Reddy District, is directed to dispose of M.C.No.283 of 2016 itself within a period of four months from the date of receipt of a copy of this order.

7. At this stage since the maintenance has been awarded from the date of petition, the petitioner is permitted to pay the arrears, if any, in six equal monthly installments commencing from September, 2018 onwards. It is needless to observe that the interim maintenance, as awarded by the Court below, shall be paid on or before 10th of every month till the Maintenance Case is disposed of.

Miscellaneous petitions, if any, pending in this revision case shall stand closed.

JUSTICE P. KESHAVA RAO

AUGUST 07, 2018

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THE HON'BLE SRI JUSTICE P. KESHA VA RAO



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Date: 07.08.2018

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