

HON' BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CrI.R.C. No. 3394 of 2018

JUDGMENT:-

This Criminal Revision Case is arising out of the order dated 09.07.2018 in CrI.M.P.No. 849 of 2018 in D.V.C.No. 131 of 2017 passed by IV Metropolitan Magistrate (M.V.Act), Hyderabad.

CrI.M.P. was filed by the 1st respondent under Section 23 of P.W.D.V. Act for a direction to the petitioners to pay Rs.15,000/- p.m. towards interim maintenance pending disposal of the main D.V.C. The trial Court, on consideration of the material, has directed the petitioners to pay interim maintenance of Rs.5000/- p.m. to the 1st respondent on or before 10th of every succeeding month. Being aggrieved by the same, the petitioners filed the present Revision Case.

As against the orders passed in CrI.M.P.No. 849 of 2018, the lower appellate Court has confirmed the orders passed by the trial Court.

Heard the learned counsel for the petitioners and perused the material on record.

The learned counsel for the petitioners submits that the trial Court has not considered the evidence on record properly and though no documentary proof is placed before the trial Court interim maintenance was granted. It is further

submitted that the trial Court may be directed to dispose of the main D.V.C. expeditiously.

Heard the submissions made by the learned counsel for the petitioners.

Both the Courts have held that the 1st respondent is entitled to interim maintenance of Rs.5,000/- p.m.

The learned counsel for the petitioners contended that no evidence was placed before the Courts below for grant of interim maintenance of Rs.5,000/- to the 1st respondent.

The grant of interim maintenance by the trial Court is only based on the pleadings of parties, and it is only interlocutory order in nature; it does not effect the merits of the case. It would be appropriate if the trial Court disposes of D.V.C. itself within a period of three months from the date of receipt of a copy of this order.

With the above observations, the Criminal Revision Case is disposed of. No order as to costs.

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

GUDISEVA SHYAM PRASAD,J

13.12.2018

bcj