

THE HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE NO.3379 OF 2017

ORDER:

Heard the learned counsel for the petitioner.

2. Pursuant to the order dated 6.6.2018, learned counsel for the petitioner has taken out personal notice to the respondents 1 to 3. He has filed a memo dated 20.6.2018 as proof of service, which shows that the 1st respondent herein has received the notice. However, she has not chosen either to appear in person or through a counsel.

3. The facts of the case are that the respondents 1 to 3 herein filed maintenance case vide M.C.No.20 of 2017 against the petitioner herein on the file of the Additional Metropolitan Sessions Judge for the trial of JHCBBC-cum-Additional Family Court-cum-XXIII Additional Chief Judge, Hyderabad. It is the case of the 1st respondent herein in the maintenance case that her marriage with the petitioner herein was performed on 2.6.2004 at Hyderabad. It was a love marriage and out of wedlock, they were blessed with two children i.e, the respondents 2 and 3 herein. After the birth of the 2nd child, the petitioner herein harassed her on the ground that she gave birth to a female child and also harassed her demanding additional dowry. Apart from the same, the 1st respondent

herein was abused by the petitioner herein by taking her caste name. In those circumstances, maintenance case was filed. Pending the maintenance case, the respondents 1 to 3 herein filed a petition in CrI.M.P.No.177 of 2017 claiming interim maintenance @ Rs.15,000/- per month each to the respondents 2 and 3 herein from the date of filing of the petition till the disposal of the main case.

4. The petitioner herein filed a counter denying the averments made in the petition and sought to dismiss the petition.

5. The Court below, after hearing, allowed the petition in part and awarded interim maintenance @ Rs.5,000/- per month each to the respondents 2 and 3 herein from the date of the order till the disposal of the main case. Aggrieved by the said orders, the present Criminal Revision Case is filed.

6. Learned counsel appearing for the petitioner would submit that the petitioner herein is getting a salary of Rs.40,000/- per month and out of which, he has to pay a sum of Rs.30,000/- p.m. towards interest on loan amount secured for purchase of house in which the respondents 1 to 3 are residing. The petitioner herein is staying separately in a rented house by paying a sum of Rs.5,000/- p.m. towards rent. The amount which he is getting is hardly sufficient for his

sustenance after the deductions. Therefore, he sought to set aside the order impugned in the present Criminal Revision Case.

7. Though notice is served, the 1st respondent has not chosen to appear.

8. Be that as it may, after hearing the learned counsel for the petitioner and having regard to the facts and circumstances of the case, the impugned order indicates that the interim maintenance awarded is only as a temporary measure during the pendency of the maintenance case. The trial Court has not gone into the merits of the case relating to the financial status and the income of the petitioner herein in detail. That being so, more particularly, looking at the cost of living and the amount of interim maintenance granted, this Court is not inclined to interfere with the order passed by the Court below.

9. Therefore, there are no merits in the Criminal Revision Case and the Criminal Revision Case is, liable to be dismissed.

10. Accordingly, the Criminal Revision Case is dismissed. However, learned Additional Metropolitan Sessions Judge for the trial of JHCBBC-cum-Additional Family Court-cum-XXIII Additional Chief Judge, Hyderabad is directed to dispose of the main M.C.No.20 of 2017 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 dismissed. No order as to costs.

P. KESHAVA RAO,J

Date: 20.6.2018

KPM

