

**HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO**

**CRIMINAL PETITION No.176 of 2019**

**ORDER:**

Heard learned counsel for the petitioner, who was no other than 1<sup>st</sup> respondent among two respondents including respondent No.3 herein in M.C.No.102 of 2018 on the file of Additional Metropolitan Sessions Judge for Trial of Jubilee Hills Car Bomb Blast Case-cum-Additional Family Court-, Hyderabad, that was filed by the 2<sup>nd</sup> respondent herein, no other than mother of both of them, aged about 70 years a widow, under Section 125 Cr.P.C. claiming maintenance of Rs.20,000/- per month, saying that the 2<sup>nd</sup> respondent to the said M.C., was physically challenged, he is running a public telephone booth and getting income, and the 1<sup>st</sup> respondent, among two sons of her, is a Driver getting about Rs.20,000/- per month and she is due to old age, suffering from several ailments and requires continues medication and not in a position to move freely, much less to earn anything, but for to depend on their mercy, who are bound to maintain and she is getting only Rs.1,500/- per month towards old age pension, which is hardly sufficient even for medicines and treatment and thereby, entitled to Rs.4,000/- per month towards interim maintenance pending disposal of the main case in M.C.No.102 of 2018, as sought in CrI.M.P.No.1210 of 2018.

2. The same was opposed by the respondents from their common counter, being the sons, by referring to the daughters are also earning members of her not impleaded, but for her two sons and she is getting old age pension and not entitled to any interim maintenance and they are voluntarily paying whatever amounts. It

is therefrom, the order was passed granting Rs.4,000/- per month interim maintenance against the 1<sup>st</sup> respondent, who is the petitioner herein, from 11.09.2018 by dismissed the interim maintenance liability against the other son as physically challenged and from his contention of not running any public telephone booth and no particulars furnished by her.

3. The present impugment is in fastening the burden against him alone and not considering his means and he has to maintain his wife and children and thereby, the order granting Rs.4,000/- per month as interim maintenance is liable to be set aside.

4. In the counter filed by her through the Advocate in opposing the same, is that there is nothing to interfere with the reasoned order of the lower Court by sitting against it, but for to decide any further liability in the ultimate final disposal from full-fledged trial of the main case and he is owning a house and getting rents besides earning Rs.20,000/- per month as a Driver and even Rs.4,000/- per month, as sought that was granted is hardly sufficient for her.

5. Heard. Perused the material on record.

6. No doubt, from perusal of the record, he got wife and children, whom he has to maintain further that too with the earnings as Driver and there is no proof and he got house and let out any portion, much less any person with name and particulars and any rent fetching to consider even same is raised in the counter before this Court by her.

7. Having regard to the above, without prejudice to full-fledged trial, arriving a just amount of Rs.4,000/-, as interim maintenance, is reduced to Rs.3,500/- per month in confirming the order in all other respects and from whatever the amount paid adjust and pay the balance. Time granted on two equal monthly installments from the date of receipt of the order, and in case of non-payment, the lower Court to execute and recover. It is needless to say to give priority in disposal of the main case in M.C.No.102 of 2018, preferably within four (4) months.

8. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this petition shall stand closed.

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**Dr. B. SIVA SANKARA RAO, J**

**FEBRUARY 25, 2019**

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**HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO**



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**Date: 25.02.2019**

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