

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

CRIMINAL REVISION CASE No.1758 of 2010

ORDER:

Heard learned counsel for the petitioner as well as respondent Nos.1 and 2.

2. The present criminal revision case is filed assailing the orders in CrI.M.P.No.543 of 2009 in M.C.No.247 of 2009, dated 10.08.2010, passed by the Judge, Family Court, Ranga Reddy District at L.B.Nagar, granting interim maintenance at the rate of Rs.3,000/- and Rs.2,000/- respectively to respondent Nos.1 and 2 herein.

3. Learned counsel appearing for the petitioner mainly contended that the petitioner is disputing the marriage with respondent No.1 and he is also questioning the paternity of respondent No.2. He submits that the said two issues have to be decided by the Court below.

4. On the other hand, learned counsel appearing for respondent Nos.1 and 2 supported the impugned orders.

5. Having heard from both the counsel and from the perusal of the counter-affidavit filed on behalf of the petitioner herein, it is revealed that respondent No.1 herein is residing separately since 04.07.2005 from the petitioner and the present maintenance case was filed on 27.11.2009 after more than four years of desertion. It is also stated in the counter-affidavit that after filing of the petition for seeking divorce, vide O.P.No.93 of 2008, on the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar, by the petitioner, as a

counter blast, respondent No.1 has filed the maintenance case. This fact totally falsifies the contention raised by the petitioner that he is disputing his marriage with respondent No.1 and also the paternity of respondent No.2.

6. Even from the perusal of the impugned order, the Court below observed that though a counter-affidavit is filed denying his liability to pay the maintenance, there is no dispute about the matrimonial status between the petitioner and respondent No.1. If that be so admittedly respondent No.2 herein is the son of petitioner and respondent No.1. The petitioner also not attributed any immorality or un-chastity on the part of respondent No.1. Therefore, who is responsible for disruption of the marital life is an issue to be enquired into and till then, the petitioner is liable to provide maintenance to respondent Nos.1 and 2. Looking at the financial status of the petitioner herein, he is carrying on wholesale cloth business and real estate business and earning Rs.20,000/- per month. Now-a-days, in the light of the cost of living and the inflation rate, it is difficult for respondent Nos.1 and 2 to survive on the meager amount of Rs.5,000/- granted towards interim maintenance under the impugned orders. This Court is of the opinion that the interim maintenance as awarded by the Court below is not excessive and it is only a temporary measure till the disposal of M.C.No.247 of 2009. Therefore, this Court is not inclined to accept the contentions of learned counsel for the petitioner.

7. During the course of hearing, it is brought to the notice of this Court that the said maintenance case is still pending consideration. In these circumstances, this Court feels that giving a direction to the Court below to dispose of M.C.No.247 of 2009 within a stipulated period would meet the ends of justice for both the parties.

8. Accordingly, the Criminal Revision Case is disposed of directing the Judge, Family Court, Ranga Reddy District at L.B.Nagar, to dispose of M.C.No.247 of 2009 within three months from the date of receipt of a copy of this order. Till then, the interim arrangement has to continue.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

6th November 2019

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P. KESHA RAO, J

