

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No. 11614 of 2018

ORDER :

This Criminal Petition is filed by the petitioner-respondent under section 482 of Cr.P.C., seeking to quash the order dated 25/06/2018 passed in Crl.MP.No. 703 of 2018 by the Additional Family Court-cum-XXIII-Additional Chief Judge-cum-IX-Additional Metropolitan Sessions Judge, Hyderabad.

2. Heard the counsel for the petitioner and the respondents 1 and 2. Respondent No.2 being minor represented by her mother and the learned Public Prosecutor representing the third respondent/State.

3. The impugment herein is against the order dated 25/06/2018 passed by the learned Judge, Family Court-cum-XXIII-Additional Chief Judge-cum-IX-Additional Metropolitan Sessions Judge, Hyderabad, in Crl.MP.No. 703 of 2018 in pending M.C.No. 63 of 2017 awarding interim maintenance to the first respondent/wife of Rs.7,000/- per month and to the child of Rs.2,000/- per month from the date of interim maintenance application dated 08-05-2018. Undoubtedly the maintenance case is of the year 2017, he claimed as un-employee. It is not his case that he is not able bodied. It is not his case that his wife is doing any work and earning anything even referred as house wife as even other wise, it is a mater to adduce evidence on the factual aspects,

this Court is not readily chosen to interfere though it is the thrust in the contention of the counsel for the petitioner of even awarding Rs.7,000/- per month to the wife against an un-employed husband is *per se* unsustainable, by left open to raise before the trial Court to pass after full fledged trial by reasonable maintenance un-influenced by the earlier maintenance order, which is the subject matter herein and to dispose of the maintenance case by giving priority within three months from the date of receipt of a copy of this order at any cost.

4. In the result, the Criminal Petition is disposed of.

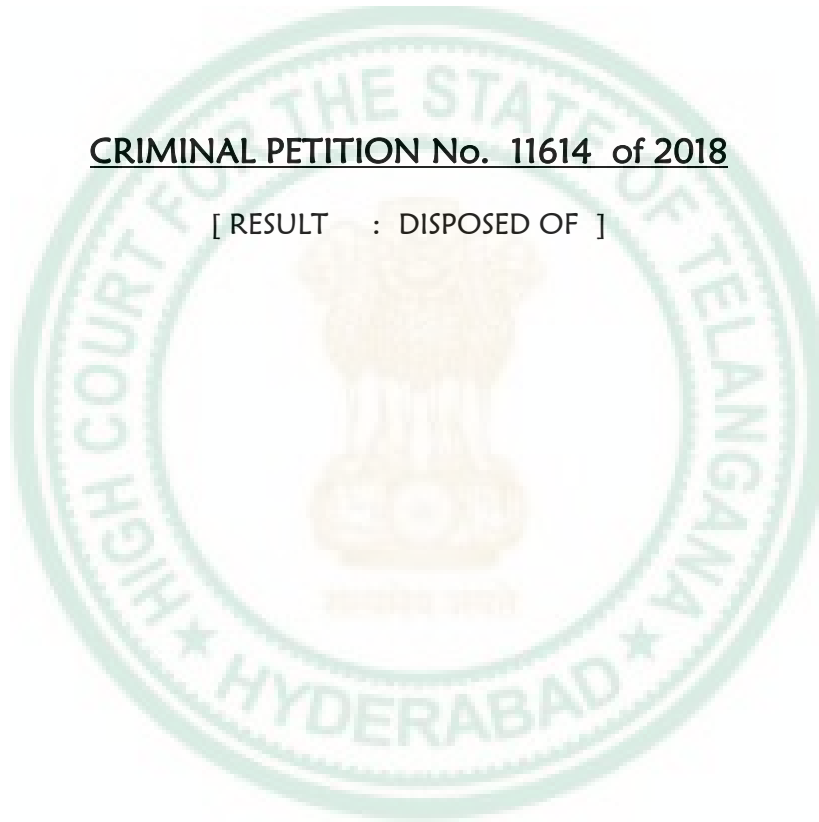
5. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

Dr. JUSTICE B. SIVA SANKARA RAO, J.

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[RESULT : DISPOSED OF]



Circulation No:
Date : 14-02-2019
Court Master : I s L