

HON'BLE DR.JUSTICE B.SI VA SANKARA RAO

CrI.R.C.No.3057 of 2018

JUDGMENT:

Heard before admission and before notice to respondent Nos. 1 and 2 of the revision petition, the counsel for petitioner and also the Public Prosecutor representing the third respondent-State and perused the impugned order and the additional material.

Undisputedly, before the lower Court Judge, Family Court, L.B.Nagar covered by the impugned order dated 21.08.2018 in CrI.M.P.No.73 of 2016 in the pending M.C.No.120 of 2016 for maintenance and under Section 125 Cr.P.C. in claiming at Rs.10,000/- per month to each of the two petitioners where interim order is granted and directed to pay maintenance of Rs.5,000/- is to each of the petitioners. No scrap of paper filed by the revision petitioner but for in the revision showing the TDS deduction that financial years 2015-16 and 2017-18 showing his wife i.e. the 1st respondent to the revision is the earning member and she is not entitled for any maintenance. Undisputedly, relationship is there and second respondent is minor daughter of first respondent and the petitioner, as such he is liable to pay maintenance at least to the daughter even from such a contention raised in the revision.

Having regard to the above, there is no necessity to conduct any roving enquiry in the present revision that too keeping pending by ordering notice to the second respondent by staying of execution of impugned order, but for entertaining for maintenance additional

evidence is contemplated under section 391 Cr.P.C. and without which he cannot file additional evidence with the revision grounds to receive. Thereby the revision at the stage before admission disposed of directing the learned Judge, Family Court to dispose of the main M.C. within two months from the date of receipt of the order giving utmost priority and the petitioner is at liberty to show such evidence which he now contends in the ground as could not produce in the interim maintenance application, in the final disposal of the maintenance case supra. So far as the interim maintenance under execution is concerned, he shall pay or deposit 3/4th of the amount within one month from the date of receipt of the order failing which the lower Court can proceed with execution and even if at all ultimately found his wife not entitled to any maintenance whatever amounts paid can be adjusted to the maintenance arrears payable to the unmarried daughter, who is minor including for future payments, subject to the amount being fixed for the minor daughter concerned.

Consequently, Miscellaneous petitions, if any, pending in this revision shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 1st April, 2019

PNV

HON'BLE DR.JUSTICE B.SI VA SANKARA RAO



CrI.R.C.No.3057 of 2018

Dt.01.04.2019