

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.13329 OF 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner seeking to quash the order, dated 02.08.2018, in CrI.M.P.No.73 of 2018 in M.C.No.367 of 2017 on the file of IV Additional District Judge – cum – I Additional Family Judge, Ranga Reddy District, whereby and whereunder, the Court below granted an amount of Rs.25,000/- per month to respondent No.2, who is the wife of petitioner, and Rs.10,000/- per month to respondent No.3, who is the daughter of petitioner, towards interim maintenance from the date of petition i.e., 06.11.2017, pending disposal of the main M.C., payable on or before 5th of every succeeding month.

2. Heard both sides. Perused the record.

3. The dispute is with regard to the grant of interim maintenance at Rs.35,000/- per month to respondent Nos.2 and

3. In the course of submissions, it is brought to the notice of this Court that the petitioner is a Dental Doctor. It is submitted on behalf of respondent Nos.2 and 3 that respondent Nos.2 and 3 have no income to sustain on their own.

4. It is pertinent to state that the main M.C.No.367 of 2017 is pending adjudication before the IV Additional District Judge – cum – I Additional Family Judge, Ranga Reddy District. The entitlement of maintenance by respondent Nos.2 and 3 is required to be adjudicated therein. In view of the occupation of

the petitioner and the submissions made on behalf of respondent Nos.2 and 3, the interim maintenance granted vide the impugned order, 02.08.2018, is modified and the interim maintenance granted to respondent Nos.2 and 3 is reduced from Rs.35,000/- per month to Rs.25,000/- per month till the termination of proceedings in M.C.No.367 of 2017, payable on or before 5th of every succeeding month. It is made clear that the petitioner shall pay the arrears of maintenance, if any, as ordered by this Court, within thirty (30) days from the date of this order. It is also made clear that the Court below shall not get influenced by this order as well as the interim maintenance order passed by it. Further, the Court below shall dispose of M.C.No.367 of 2017 within a period of three (3) months from the date of receipt of a copy of this order.

5. Subject to the above, the Criminal Petition is disposed of.

Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

Dr. SHAMEEM AKTHER, J

April 09, 2019.
MD