

HON'BLE JUSTICE G.SRI DEVI

CRL.R.C.No.294 of 2021

ORDER:

This Criminal Revision Case is directed against the order passed in Crl.M.P.No.251 of 2019 in M.C.No.3 of 2019 on the file of the XVI-Additional District and Sessions Judge-cum-III-Additional Family Judge, Ranga Reddy District at Malkajgiri, wherein the Court below awarded interim maintenance of Rs.20,000/- per month to the 1st respondent herein payable by the revision petitioner and the 2nd respondent herein at Rs.10,000/- each.

2. 1st respondent herein being the father of the revision petitioner and the 2nd respondent and husband of the 3rd respondent herein, filed the aforesaid M.C.No.3 of 2019 claiming monthly maintenance at the rate of Rs.25,000/- each from the revision petitioner and the 2nd respondent herein and Rs.15,000/- from the 3rd respondent herein. Along with the M.C., the 1st respondent filed Crl.M.P.No.251 of 2019 seeking interim maintenance from them. By an order, dated 21.01.2021, the Court below awarded Rs.20,000/- per month towards interim maintenance to the 1st respondent payable by the revision petitioner and the 2nd respondent herein at Rs.10,000/- each. Challenging the same, the revision petitioner filed the present Criminal Revision Case.

3. Heard learned Counsel for the revision petitioner, learned Counsel appearing for the 1st respondent, learned Assistant Public Prosecutor appearing for the 4th respondent and perused the record.

4. As seen from the material available on record, it is an undisputed fact that the 1st respondent herein is the father of the revision petitioner and the 2nd respondent herein and husband of the 3rd respondent and that he is an old aged person of about 78 years and he is unable to do any regular work. The contention of the learned Counsel for the 1st respondent-father is that the 1st respondent is unable to maintain himself and that he was neglected by the revision petitioner and respondents 2 and 3. The learned Counsel appearing for the revision petitioner would submit that in view of the order passed by the Revenue Divisional Officer, the 1st respondent is getting Rs.10,000/- per month and as such he is disentitled to get maintenance under Section 125 of Cr.P.C. It is an admitted fact that the R.D.O. has directed the revision petitioner and the 2nd respondent herein to pay an amount of Rs.10,000/- each per month to the 1st respondent towards maintenance for food and medicines etc. The 2nd respondent herein has stated before the Court below that he is regularly transferring Rs.10,000/- per month to the account of the 1st respondent herein. It is an undisputed fact that 1st respondent is aged about 78 years and he is suffering from old age ailments. It is needless to say that in old age, one requires extra precaution on his diet and to spend substantial amount on

medication. Moreover, the quantum of maintenance is to be fixed on the basis of total income of the revision petitioner. Since the revision petitioner is working with SAP Asia Private Limited, Singapore as Strategic Partner-cum-Director of APJE & C Management, one can safely draw an inference that the revision petitioner is getting substantial income and, therefore, the Court below directed the revision petitioner to pay only an amount of Rs.10,000/- per month to the 1st respondent herein towards maintenance, which is not on higher side.

5. Apparently, the main M.C.No.3 of 2019 is pending. Since there is no dispute with regard to the relationship of the revision petitioner with the 1st respondent herein and as the revision petitioner has got sufficient means, this Court is of the view that the 1st respondent/father is entitled for interim maintenance. Hence, I am not inclined to interfere with the impugned order passed by the Court below.

6. Accordingly, the Criminal Revision Case is dismissed. However, since the M.C. is of the year 2019, the Court below is directed to dispose of M.C.No.3 of 2019 as expeditiously as possible, preferably, within a period of one year from the date of receipt of a copy of the order. Till such time, the revision petitioner shall continue to pay interim maintenance at Rs.10,000/- per month to the 1st respondent as directed by the Court below. The revision

petitioner is also directed to pay arrears of interim maintenance to the 1st respondent within a period of two months from today. It is made clear that both the parties shall cooperate with the early disposal of the M.C.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE G.SRI DEVI

17.08.2021
Gsn/gkv