

HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

Criminal Revision Case No.242 of 2019

Judgment:

Assailing the order dated 09-12-2018 passed in CrI.M.P. No.199 of 2018 in F.C.O.P. No.657 of 2017 on the file of Family Court, Guntur, whereby a sum of Rs.3,000/- was awarded towards interim maintenance to the 1st respondent herein, this criminal revision case is preferred by the petitioner.

2. Facts of the case lie in a narrow compass and may be stated as follows:

(a) The 1st respondent is the legally wedded wife of the petitioner. Their marriage was solemnized on 05-12-2015 as per Hindu rites and customs at Pedakakani of Guntur District. After the marriage, they both led marital life happily for about 10 months. Thereafter, disputes arose between both of them. So, the petitioner and the 1st respondent are living separately. The 1st respondent has no means to maintain herself. The petitioner as a husband discarded her and neglected her and refused to maintain her. He got sufficient means to maintain the 1st respondent. Therefore, she filed a petition under Section 125 of Cr.P.C in the Family Court, Guntur, seeking monthly maintenance of Rs.25,000/- from the petitioner.

(b) During the pendency of the said petition, she has filed a petition claiming interim maintenance of Rs.25,000/- per month. After hearing both the parties, the said petition was allowed by the impugned order granting a sum of Rs.3,000/- per month towards interim maintenance to the 1st respondent.

Aggrieved thereby, the respondent therein has preferred this revision case.

3. Heard Sri Nattuva Satyanarayana Rao, learned counsel for the petitioner; Smt. A.Kalpana Jyoti, learned counsel for the 1st respondent and the learned Additional Public Prosecutor for the 2nd respondent/State.

4. The record shows that the petitioner is aged about 65 years and the 1st respondent is aged about 55 years. Both of them were earlier married. However, their earlier marriages were dissolved on account of death of their respective spouses. Thereafter, the petitioner married the 1st respondent on 05-12-2015. As can be seen from the record, they both led happy marital life for about 10 months. Thereafter, as some disputes arose between them, they are living separately. Although allegations and counter allegations were made throwing blame against each other, regarding the reasons for their separate living, the said disputed question of fact has to be gone into and decided only after the trial of the case is completed and in final adjudication of the said case pending before the trial Court.

5. Since this is a petition relating to grant of interim maintenance, it is relevant to note that admittedly the 1st respondent is the legally wedded wife of the petitioner. Similarly, it is an admitted fact that on account of differences and disputes that arose between both of them they are living separately at present. The 1st respondent has no means to maintain herself. Therefore, the petitioner as a husband is bound under law to provide maintenance to the 1st respondent. Although

it is stated that the petitioner herein has no means to provide any such maintenance, the documents which are produced *prima facie* show that he is doing business. Document dated 12-9-2016 that was executed by the petitioner in favour of the 1st respondent in the name and style "Oppudala Angeekara Pathramu" show that the petitioner is doing business. Therefore, it is evident that he got source of income and that he got means to provide maintenance to the 1st respondent. So, taking into consideration all these facts, the learned Judge, Family Court, has granted a reasonable amount of Rs.3,000/- per month towards interim maintenance to the 1st respondent. It is relevant to note that the object of providing maintenance to the destitute wife under Section 125 of Cr.P.C is to prevent the destitute wife from vagrancy and to alleviate her distress to some extent. Therefore, considering the said object of Section 125 of Cr.P.C awarding a sum of Rs.3,000/- per month towards interim maintenance to the 1st respondent to enable her to sustain herself, cannot be said to be erroneous in the facts and circumstances of the case.

6. Therefore, the impugned order do not suffer from any legal flaw or infirmity. So, there are no valid grounds existing, warranting interference of this Court with the impugned order.

7. In the result, the revision case is dismissed.

CHEEKATI MANAVENDRANATH ROY, J.

17th December, 2019.

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