

ORDERS ON INTERIM MAINTENANCE

The petitioners have filed this application u/s. 125(2) of Cr.P.C. in which they have claimed interim maintenance of Rs.5,000/- per month each to petitioner No.1 and 2 and Rs.8,000/- per month to petitioner No.3 from the respondent.

2. As per the I.A. averments, the petitioner No.3 is the wife and petitioner No.1 and 2 are the children of respondent. The respondent without any valid reasons he has neglected the petitioners without providing basis needs. It is further averred that, the petitioners are unable to maintain themselves, the respondent has sufficient source of income. Hence this application.

3. Heard the arguments and perused the materials on record.

4. The points that arises for consideration:-

Whether the petitioners are entitled to interim maintenance?

5. My finding to the above point is in '**Partly in the Affirmative**' for the following:

: REASONS :

6. The petitioners submit that the petitioner No.1 and 2 are the children of respondent and petitioner No.3 is the wife of the respondent. The petitioners have produced the marriage invitation card, photograph, school admission certificates, birth certificates, Aadhaar cards of the petitioners and RTC extract. The said documents prima facie shows that the petitioner No.1 and 2 are the children and petitioner No.3 is the wife of the respondent. Moreover, it is the duty of the respondent, who is their father and husband, to look after the petitioner. It is very pertinent to note that, mere mentioning the wrong provision is not fatal to the case of the petitioners. But, the court has to considered the prayer sought in the I.A. while disposing the application.

7. Sections 125(1) of Cr.P.C. has conferred the power to pass an interim order on the basis of application filed by the petitioner, if the court is satisfied. Therefore, the court can order for interim maintenance without considering the averments of the objection by the respondent. The petitioners have not produced any documents to show the income of the respondent. But at the same time, the respondent being the father of petitioner No.1 and 2 and husband of petitioner No.3 is liable to provide for the basic necessities of their children and wife. Hence, I proceed to pass the following:-

ORDER

The application filed by the petitioners u/s.125(2) of Cr.P.C is hereby partly allowed.

The respondent is hereby directed to pay interim monthly maintenance of Rs.2,000/- each per month to the petitioner No.1 and 2 and Rs.3,000/- per month to the petitioner No.3 from the date of the petition till further orders on I.A.No.I.

sd/-

**CIVIL JUDGE & ADDL. JMFC,
TARIKERE**

