

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**Crl.R.C.Nos.183 and 208 of 2015**

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**COMMON ORDER :**

Since both these revisions arise out of the common order dated 19-12-2014 passed in criminal Miscellaneous Petition Nos.2244 and 2245 of 2014 by the learned Metropolitan Sessions Judge, Hyderabad, they are being taken up together for disposal by this common order. By way of the impugned common order, the learned Metropolitan Sessions Judge refused to condone the delay of 100 days in preferring the appeal.

The brief facts of the case are as follows :

The respondent herein earlier filed a case against the petitioners invoking the provisions under Domestic Violence Act, wherein the trial Court passed interim orders directing the petitioners to pay Rs.5,000/- per month as maintenance to the respondent and also Rs.1,000/- towards shelter. Aggrieved over the same, the petitioners intend to prefer an appeal. While preferring appeal, there is delay of 100 days. The learned appellate Judge refused to condone the delay and dismissed the said petitions.

While hearing the matter, it is brought to the notice of this Court by the learned counsel for the petitioners herein

that the respondent herein has also preferred an appeal not satisfied with the amount ordered by the trial Court and the same was numbered and also which is pending before the same Court.

Considering the said facts, since already appeal instituted by the respondent herein is pending before the Court, the learned appellate Judge should have condoned the delay and heard the matter after numbering it as a criminal appeal. Hence, the common order passed by the appellate Court is hereby set aside. The learned appellate Judge is directed to condone the delay and also to number the appeal and to pass appropriate orders after hearing the appeals filed by the respondent herein as well as petitioners herein in accordance with law.

The Criminal Revision Cases are accordingly disposed of.

Miscellaneous Petitions filed in these revisions, if any, shall stand closed.

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**RAJA ELANGO, J.**

06<sup>th</sup> July, 2015

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