

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1504 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioner aggrieved by order dated 5.1.2015 passed in CrI.M.P.No.550 of 2014 in DVC No.10 of 2009 by the Judicial Magistrate of First Class, Special Mobile Court-cum-XI Metropolitan Magistrate, Cyberabad.

2. The petitioner, who is the wife of the 2nd respondent, filed the above CrI.M.P.No.550 of 2014 seeking to direct the 2nd respondent-husband to pay an amount of Rs.4,60,000/- to her as house rent from 31.7.2006 to 2.3.2013 and to punish her husband in case of his failure to pay the said amount. The 2nd respondent-husband filed counter stating that he is paying a sum of Rs.8,000/- p.m., towards maintenance of the petitioner and her minor child in compliance of the orders passed by the appellate Court in CrI.A.No.112 of 2010 and the mother-in-law of the petitioner is paying a sum of Rs.10,000/- p.m., towards residential accommodation and rent in compliance of the orders passed by the Division Bench of this Court in ASMP No.2795 of 2012 in ASMP No.2352 of 2012 in A.S.No.802 of 2012 dated 10.4.2013, totaling to a sum of Rs.18,000/- p.m., regularly.

3. On 28.7.2014, the trial Court passed the following order in the above CrI.M.P.No.550 of 2014:

“The 2nd respondent-husband is liable to pay a total sum of Rs.3,29,000/- as on 15.7.2014 and on the last date of adjournment, the respondent-husband undertook to pay the due amount, but he failed to appear before the Court. Hence, issue warrant to produce him before the Court to hear about the payment. Call on 8.8.2014.”

Aggrieved by the said order, the 2nd respondent-husband filed

Crl.R.C.No.1686 of 2014 before this Court. On 3.12.2014, this Court allowed the revision case in part holding that the liability of the 2nd respondent-husband as on 10/15.7.2014 was Rs.5,63,000/- and after deduction of what all he paid whether Rs.5,01,000/- or the like, to pay all arrears within one month, else to execute and recover.

Subsequently, the trial Court closed the above Crl.M.P.No.550 of 2014 on 5.1.2015 on the ground that the 2nd respondent has paid the amount due in the petition as per the orders of this Court in Crl.R.C.No.1686 of 2014. Aggrieved by the said order, the petitioner-wife filed this revision.

4. It is the grievance of the petitioner that the trial Court has not complied with the orders passed by this Court in Crl.R.C.No.1686 of 2014.

5. This Court has gone through the order passed by this Court in Crl.R.C.No.1686 of 2014. While deposing of the above said Crl.R.C., this Court observed as follows:

“In the result, the revision case is partly allowed holding that the liability of the DVC-1st respondent in Crl.M.P.No.550 of 2014, as on 10/15.7.2014 was Rs.5,63,000/- and after deduction of what all he paid whether Rs.5,01,000/- or the like, to pay all arrears within one month, else to execute and recover. It is needless to say the further liability to pay every month amounts.”

From the above order, it is evident that the 2nd respondent already paid an amount of Rs.5,01,000/- and after deduction of the said amount, he is liable to pay an amount of Rs.62,000/-. After payment of the said amount, the trial Court closed the above Crl.M.P. This Court does not find any illegality and irregularity in the order under revision. Therefore, this Court is not inclined to interfere with the order under revision.

6. However, it is made clear that if there is any difference in the

amounts paid by the 2nd respondent in connection with the arrears of maintenance or the maintenance ordered to be paid every month, the petitioner is at liberty to file fresh application.

7. Accordingly, the Criminal Revision Case is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 7.9.2015

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THE HONOURABLE SRI JUSTICE RAJA ELANGO

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