

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.135 OF 2015

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ORDER:

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This Criminal Revision Case is filed by the petitioner-husband challenging the order of Additional Metropolitan Sessions Judge, Ranga Reddy District at L.B.Nagar in Crl.A.No.135 of 2014 dated 1.12.2014 whereby the learned Judge dismissed the appeal confirming the order of XIX Metropolitan Magistrate, Cyberabad at Miyapur in Crl.M.P.No.3120 of 2013 in DVC No.138 of 2013 dated 11.2.2014. By the said order, the trial Court dismissed the Crl.M.P.No.3120 of 2013 and modified the ex parte interim order dated 22.12.2011 in Crl.M.P.No.4170 of 2011 raising the interim maintenance at Rs.30,000/- per month.

The facts of the case are as follows:

The main grievance of the petitioner herein is that when the trial Court passed an interim order directing the petitioner to pay interim maintenance to second respondent at Rs.10,000/- per month, he filed Crl.M.P.No.3120 of 2013 to modify the same with an intent to reduce the said amount. But whereas the trial Court by order dated 11.2.2014 dismissed the application and enhanced the interim maintenance to Rs.30,000/- per month even though there is no such prayer by the second respondent-wife. As a result of the said order, now the arrears are being accumulated and the warrants are pending and the police officials are in search of the petitioner to put him behind the bars.

Admittedly, the order passed by the trial Court in the DVC is interim in nature. Any observation by this Court at this stage in connection with the order passed by the trial Court, it would cause prejudice to either party. Hence, without going into merits

of the case, this Court feels it appropriate to dispose of the revisions as follows:

The order of the trial Court dated 11.2.2014 in CrI.M.P.No.3120 of 2013 in D.V.C.No.138 of 2013 and the order of the lower appellate Court in CrI.A.No.135 of 2014 dated 1.12.2014 are hereby set aside. The trial Court is directed to dispose of DVC No.138 of 2013 within a period of six months from the date of receipt of a copy of this order. Till such time, the petitioner herein is directed to pay interim maintenance at the rate of Rs.5,000/- per month to the second respondent herein. As far as arrears are concerned, the petitioner is directed to deposit the same within three months in three equal monthly instalments calculating at the rate of Rs.5,000/- per month.

The revision is disposed of accordingly.

Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

25.06.2015

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