

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.3805 OF 2016

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ORDER:

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This Criminal Petition is filed under Section 482 Cr.P.C. by the petitioners/petitioners seeking to give a direction to the learned Judge, Family Court – cum – IV Additional District and Sessions Judge, Vijayawada, Krishna District to dispose of Crl.M.P.No.112 of 2013 in M.C.No.41 of 2006 within a period of one month.

2. Petitioners are the wife and daughter of respondent No.1. They filed M.C.No.41 of 2006 before the Court below seeking maintenance and the same was allowed directing respondent No.1 to pay a sum of Rs.6,000/- to petitioner No.1 and Rs.2,000/- to petitioner No.2 every month commencing from 23.3.2006. Respondent No.1 was also directed to pay arrears of maintenance in six equal monthly instalments in addition to the regular maintenance. Respondent No.1 filed Criminal Revision Case No.1415 of 2010 before this Court and the same was partly allowed and the maintenance amount of petitioner No.1 was reduced to Rs.5,000/- per month. The petitioners filed Crl.M.P.No.612 of 2011 for recovery of arrears of Rs.84,000/-. Respondent No.1 paid only Rs.20,000/- in six instalments and failed to pay the balance arrears amount. The Court below sent respondent No.1 to civil prison for one month. Still, respondent No.1 has to pay an amount of Rs.64,000/-. The petitioners filed Crl.M.P.No.267 of 2012 for recovery of balance arrear amount of Rs.2,85,000/- relating to the period from 23.3.2006 to 23.7.2010. Respondent No.1 paid only Rs.8,000/- in four instalments and failed to pay the balance arrear amount. Still, respondent No.1 has to pay balance arrear amount of Rs.2,77,000/-. The petitioners filed Crl.M.P.No.268 of 2012 for recovery of balance arrear amount of Rs.42,000/- relating to the period from 24.7.2011 to 23.1.2012. Respondent No.1 paid only Rs.2,000/- and failed to pay the balance arrear amount. Still, he has to pay an

amount of Rs.40,000/- in the said petition. The petitioners filed Crl.M.P.No.112 of 2013 before the Court below against respondent No.1 seeking maintenance of Rs.5,000/- to petitioner No.1 and Rs.2,000/- to petitioner No.2 and for recovery of arrears of maintenance of Rs.84,000/- due from 24.1.2012 to 23.1.2013 to the petitioners by committing respondent No.1 to prison and to direct respondent No.1 to continue to pay interim maintenance allowance to the petitioners.

3. Heard and perused the material available on record.

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4. The main grievance of the petitioners is that even though Crl.M.P.No.112 of 2013 was filed in the year 2013, till date, the Court below is not disposing of the same and respondent No.1 is making part payments whenever the case is posted for hearing.

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5. Considering the facts and circumstances of the case and as Crl.M.P.No.112 of 2013 is pending from the year 2013, the Court below is directed to dispose of the same as expeditiously as possible, preferably within a period of two (2) months from the date of receipt of a copy of this order.

6. Accordingly, the Criminal Petition is disposed of. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

JUSTICE RAJA ELANGO

21.3.2016

AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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