

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL.

CRL.RC.No.1896 of 2012

Oral Order:

This Criminal Revision Case is filed challenging the correctness of the order dated 7.9.2012 in Crl.A.No.337 of 2012 passed by the learned V Additional Metropolitan Sessions Judge(Mahila Court) at Hyderabad whereby and whereunder the learned Sessions Judge has granted maintenance to the 1st respondent herein in a of Rs.5,000/- per month towards maintenance of the 1st respondent and her two children.

The facts in brief are that the first petitioner is the husband of the first respondent, 2nd petitioner is the mother-in-law of the 1st respondent. Marriage between the 1st petitioner and 1st respondent was held on 10.3.1996 and they are said to have been blessed with two children, but thereafter disputes arose between them due to which the 1st respondent-wife is living separately along with the children.

Initially, DVC No.21 of 2012 (old DVC No.95 of 2011) was filed by the 1st respondent-wife on the file of the XXII

Special Magistrate, Hyderabad on various grounds and prayed for awarding monthly maintenance. Pending disposal of the said DVC, the 1st respondent filed MP No.326 of 2012 seeking interim maintenance and the same was dismissed by the trial Court. Aggrieved by the same, the 1st respondent-wife carried the matter in CrI.A.No.337 of 2012 before the Court of the V Additional Metropolitan Sessions Judge (Mahila Court), Hyderabad. The learned appellate Court by the impugned order dated 7.9.2012 in CrI.A.No.337 of 2012 granted maintenance of Rs.5,000/- per month towards maintenance to the 1st respondent and her children. Challenging the said order, the 1st petitioner-husband and his mother filed the present Criminal Revision Case.

This Court while issuing notice to the respondents by its order dated 9.10.2012 granted interim suspension of the impugned order on condition of the petitioners paying Rs.3,000/- towards maintenance on or before 10th of every calendar month till the disposal of the present revision case. It is submitted that the said amount as directed by this Court is being paid by the 1st petitioner to the 1st respondent; apart from additional amount towards children

as per the orders of the concerned jurisdictional Magistrate under Section 125 Cr.P.C.

Learned counsel appearing for the petitioners submits that the 1st petitioner is running a small kirana shop and he is getting income of hardly Rs.8,000/- per month and with that meager amount he has to maintain his mother and himself. On the other hand, learned counsel appearing for the respondent-wife submits that respondent-wife has no source of income and that she has to maintain two children and therefore maintenance awarded by the appellate Court needs to be restored.

Having heard the learned counsel on either side and on perusal of the material on record, since the 1st petitioner has been paying monthly maintenance of Rs.3,000/- as directed by this Court, I feel it appropriate to dispose of the Criminal Revision Petition with a direction to the Court below to dispose of the main DVC case itself, uninfluenced by any of the observations made hereunder, as per law, within a period of one month from the date of receipt of a copy of this order. Pending disposal of the DVC, the 1st petitioner shall continue to pay the maintenance of Rs.3,000/- towards interim maintenance in

addition to the amount which he is paying in pursuance of the orders if any passed under Section 125 Cr.P.C. It is needless to observe that the 1st petitioner shall pay all the arrears positively within a period of one month from the date of receipt of a copy of this order.

The Criminal Revision Petition is accordingly disposed of. No costs. Miscellaneous Petitions if any shall stand closed.

JUSTICE M.S.K.

JAISWAL

Dated.10-2-2016

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