

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2516 OF 2014

ORDER:

The present Criminal Revision Case, under Section 397 r/w. Section 401 of Cr.P.C., is filed by the petitioner aggrieved by the judgment dated 25.08.2014 passed in Criminal Appeal No.477 of 2014 by the Additional Metropolitan Sessions Judge, Cyberabad at L.B. Nagar, Ranga Reddy District, wherein and whereunder the petitioner was directed to pay an amount of Rs.5,000/- per month towards interim maintenance to the 1st respondent herein.

Heard learned counsel for the petitioner as well as the learned counsel for the respondents and perused the material on record.

A perusal of the material on record would show that the 1st respondent herein filed DVC.No.75 of 2013 on the file of II Additional Junior Civil Judge-cum-XIX Metropolitan Magistrate, Cyberabad, Kukatpally, Miyapur, claiming various reliefs under the provisions of the Domestic Violence Act. Pending the said proceedings, the 1st respondent herein filed Crl.M.P.No.2686 of 2013 in D.V.C.No.75 of 2013 under Sections 18 to 22 of the Domestic Violence Act, for grant of interim maintenance of Rs.15,000/- per month. By order dated 03.06.2014, the trial Court awarded interim maintenance of Rs.10,000/-

per month, payable on or before 10th of every succeeding month, to the 1st respondent herein from the date of the said order till disposal of main DVC. Challenging the said order, the petitioner herein preferred Crl.A.No.477 of 2014 before the Additional Metropolitan Sessions Judge, Cyberabad at L.B. Nagar, Ranga Reddy District. The lower appellate Court, through the impugned judgment dated 25.08.2014, partly allowed the criminal appeal, directing the petitioner to pay an amount of Rs.5,000/- per month towards maintenance to the 1st respondent herein and directed the petitioner to pay future maintenance on or before 10th of every succeeding month during the pendency of DVC. Challenging the said judgment, the present Criminal Revision Case is filed.

While issuing notice before admission, this Court, by its order dated 23.01.2015, suspended the impugned judgment dated 25.08.2014 in Crl.A.No.477 of 2014, subject to the condition of the petitioner depositing arrears of maintenance within a period of four weeks from the date of the said order and with a further direction to continue to pay maintenance at Rs.4,000/- per month to respondent No.1 herein on or before 5th of every succeeding month.

Thereafter, the 1st respondent herein filed Crl.M.P.No.1692 of 2015 in Crl.R.C.No.2516 of 2014 seeking to vacate the interim order dated 23.01.2015.

Learned counsel for the petitioner submits that the quantum of maintenance awarded by the trial Court is on a higher side and as the 1st respondent is having an independent source of income, she is not entitled for payment of interim maintenance.

On the other hand, learned counsel for the 1st respondent opposed the same contending that the interim order passed by this Court on 23.01.2015 is not complied with and, as such, the question of extending any benefit to the petitioner, who has no regard to the orders passed by this Court, would not arise.

Having regard to the facts and circumstances of the case, the present Criminal Revision Case is disposed of holding that if the petitioner has not complied with the interim order dated 23.01.2015 passed by this Court, the stay automatically stands vacated. If the said interim order is totally complied with in terms of the conditions stipulated therein, the petitioner shall continue to pay maintenance at Rs.4,000/- per month on or before 5th of every succeeding month to the 1st respondent herein. Further, the trial Court shall dispose of DVC.No.75 of 2013 as early as possible, preferably within a period of two months from the date of receipt of a copy of this order. Both the parties shall cooperate with the Court for an early disposal of the matter.

Subject to the above directions, this Criminal

Revision Case is disposed of.

JUSTICE C. PRAVEEN KUMAR

09.03.2016.

NOTE: Issue C.C. by 14.03.2016.

(B/O)

Msr

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