

HON' BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No.3967 of 2008

ORDER:

1) This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973, seeking quashing of the order dated 04.06.2008 passed in CrI.R.P.No.67 of 2007 on the file of the I Additional Sessions Judge, Krishna at Machilipatnam, wherein and whereunder the revision petition was allowed by setting aside the order dated 06.09.2007 passed in CrI.M.P.No.629 of 2007 in M.C.No.33 of 2006 on the file of the Judicial Magistrate of First Class, Nandigama in awarding maintenance at Rs.1,000/- per month to the petitioner-step mother.

2) The facts in issue are as under:

The petitioner herein filed M.C.No.33 of 2006 seeking maintenance of Rs.5,000/- per month. The petitioner herein, who filed M.C., is the stepmother of respondents 2 and 3. Pending the said M.C. the petitioner herein filed CrI.M.P.No.629 of 2007 seeking interim maintenance. By an order, dated 06.09.2007, the Court below awarded maintenance at Rs.1,000/- per month payable by respondents 2 and 3. Challenging the same, respondents 2 and 3 herein filed CrI.R.P.No.67 of 2007 before the I Additional Sessions Judge, Krishna at Machilipatnam. By an order, dated 04.06.2008 the learned Sessions Judge allowed the revision by setting aside the maintenance awarded by the Court below.

Challenging the same the petitioner herein filed the present application.

3) Heard learned counsel for the petitioner and respondents 2 and 3.

4) On 08.07.2008 this Court while admitting the petition, granted interim stay and the maintenance as ordered by the learned Magistrate was to be paid. The order which was passed in the month of June, 2008 remained un-disturbed till date.

5) Learned counsel for the respondents 2 and 3 submits that in view of pendency of the petition before this Court the trial Court is not proceeding further with the main M.C. It is to be noted that there is no order staying the proceedings of the main M.C. Having regard to the fact stated above, the learned counsel for the respondents 2 and 3 would submit that the respondents 2 and 3 shall continue to pay maintenance and seeks a direction to the trial Court to dispose of the M.C. at the earliest.

6) Having regard to the submission made by the learned counsel for respondents 2 and 3, the Criminal Petition is disposed of directing the trial Court to dispose of M.C.No.33 of 2006, in accordance with law as early as possible, preferably, within a period of three months from the date of receipt of a copy of the order. Till the disposal of the M.C., respondents 2 and 3 shall continue to pay maintenance as awarded by the trial Court. It is needless to mention that the petitioner as well as respondents 2 and 3 shall co-operate and see that the main M.C. is disposed of

within the time stipulated. If any of the parties failed to co-operate in disposal of the M.C., the Court below is directed to take steps as necessary for securing their presence for early disposal of the M.C. The Court below shall take up the M.C. on day-to-day basis as M.C. is of the year 2006. As a sequel thereto, Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand dismissed.

JUSTICE C. PRAVEEN KUMAR

31.08.2016
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