

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.6078 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to modify the conditional order dated 09-03-2016 in CrI.M.P.No.35 of 2016 in Criminal Appeal No.78 of 2016, whereby and whereunder the lower Appellate Court granted condition stay directing the petitioner-husband to pay all arrears of maintenance and future maintenance as directed by the trial Court.

Heard the learned counsel for the petitioner-husband and the learned counsel for the second respondent.

Admittedly, the second respondent-wife filed D.V.C.No.138 of 2013 before the II Additional Junior Civil Judge-cum-XIX Metropolitan Magistrate, Cyberabad, Kukatpally at Miyapur and the learned Magistrate, after appreciating both oral and documentary evidence adduced on either side, allowed the case by the order dated 22-12-2015 directing the respondent-husband therein to pay an amount of Rs.10,000/- per month as monthly maintenance and also to pay an amount of Rs.5,00,000/- towards compensation within a period of six months from the date of order. Aggrieved by the said order, the petitioner-husband filed an appeal in Criminal Appeal No.78 of 2016 before the lower appellate Court. Along with the said appeal, he also filed CrI.M.P.No.35 of 2016 seeking to grant stay of the operation of the order. The lower Appellate Court, after considering the facts and circumstances of the case, granted conditional stay on 09-03-2016 directing the petitioner-husband to pay all the arrears of maintenance and also future maintenance as directed by the trial Court. Challenging the said order, the present Criminal Petition is filed.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner-husband, without expressing any opinion on the merits of the case herein, this Court is of the view that ends of justice would be met if the petitioner-husband can be directed with appropriate directions.

Therefore, the petitioner-husband is directed to pay an amount of Rs.5,000/- per month towards monthly maintenance to the second respondent-wife herein on or before 10th of every succeeding month. The other terms as imposed by the trial Court remains unaltered. The order dated 09-03-2016 passed in Crl.M.P.No.35 of 2016 in Crl.Apl.No.78 of 2016 is modified to the extent indicated above.

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Accordingly, the Criminal Petition is disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

RAJA ELANGO, J

Date: 25-04-2016

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