

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.4111 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. challenging the order dated 08-02-2016 in CrI.M.P.No.178 of 2016 in Criminal Appeal No.12 of 2016 passed by the Principal District and Sessions Judge, Warangal, granting interim stay of the order dated 09-12-2015 in D.V.C.No.17 of 2010 passed by the I Additional Judicial First Class Magistrate, Warangal insofar as it relates to payment of Rs.10,000/- towards maintenance and Rs.2,000/- towards residence to the 2nd respondent pending disposal of the appeal.

The petitioner herein is the respondent-husband and the respondent herein is the petitioner-wife in D.V.C.No.17 of 2010. The respondent herein filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 seeking to grant protection order, residence order and also maintenance at Rs.10,000/- per month to the petitioner against the petitioner herein and other respondents. The learned Magistrate, considering both oral and documentary evidence adduced by both parties before it, allowed the application granting maintenance at Rs.10,000/- per month towards the petitioner-wife, besides granting Rs.3,000/- per month for separate residence and also Rs.5,00,000/- towards compensation payable within six months from the date of the order. Challenging the said order, the respondent-husband filed Criminal Appeal No.12 of 2016 before the Principal Sessions Judge, Warangal. Along with the said appeal, he also filed CrI.M.P.No.178 of 2016 seeking to suspend the order dated 09-12-2015 in D.V.C.No.17 of 2010. The learned

Sessions Judge granted interim stay of the order till 05-03-2016 subject to payment of maintenance as ordered by the trial Court and also an amount of Rs.2,000/- per month towards rent. Aggrieved by the said order, the present criminal petition is filed.

Learned counsel for the petitioner submits that since the 2nd respondent herein being a Post Graduate in Engineering is having sufficient means to maintain herself, grant of maintenance of Rs.10,000/- to her is nothing but abuse of process of law. He also reiterates the same contentions as raised before the trial Court. While arguing sometime, the learned counsel requested the Court that since the appeal itself is admitted, the same can be disposed of without the presence of the petitioner herein as expeditiously as possible.

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

Therefore, the petitioner-husband is directed to pay Rs.5,000/- per month towards maintenance to the second respondent-wife and he is also continue to pay Rs.2,000/- towards rent till disposal of the appeal.

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

RAJA ELANGO, J

Date: 04-04-2016

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