

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE Nos.3332 and 3351 of 2016

COMMON ORDER:

Heard both sides.

2. These two revisions are outcome of the interlocutory applications in the main D.V.C.No.30 of 2015 on the file of the learned III Metropolitan Magistrate, Cyberabad at L.B.Nagar, one is for residential protection if not of shared residence and the other is interim measure of maintenance since allowed by the Magistrate and went unsuccessful in the appeal maintained before the learned Additional Metropolitan Sessions Judge, Cyberabad, the respondent/husband of the main D.V.C. maintained the two revisions.

3. The relationship of the wife and husband is not in dispute. The only contention that there is no negligence or refusal is a matter to be appreciated after full dressed trial from the evidence and counter evidence to be adduced including oral and it is premature to give any finding so far as means. Undisputedly, the revision petitioner was earning Rs.80,000/- p.m. nearly and what he claims is he resigned the job and resignation is definitely for a prospective career, unless there are compelling circumstances if at all, he has to explain during trial.

4. Having regard to the above, for the residence and maintenance together what the learned Magistrate granted and confirmed in the appeal of Rs.15,000/- + Rs.10,000/- = Rs.25,000/- is modified to Rs.17,000/- including for shared residence which is without prejudice to the contest in the main D.V.C. case and all the arrears to be paid within three months from the date of receipt of copy of this order in three equal installments. Any non-payment entitles to execution, according to law.

5. Accordingly, the Criminal Revision Cases are disposed of.

6. Miscellaneous petitions, pending if any, shall stand closed.

Date:25-01-2017
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Dr. B. SIVA SANKARA RAO, J

