

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

Criminal Petition No.9032 of 2017

ORDER:

Heard the learned counsel for the petitioners and perused the grounds urged in the petition and the docket order of the learned Magistrate in CrI.M.P.No.755 of 2015 dated 17.11.2015 pursuant to the maintenance claim in M.C.No.15 of 2010 in execution by issuing NBW against 2nd respondent and the contents from the so called settlement by the elders covered by the agreement allegedly acknowledged and received the amount by the 2nd respondent/father of the petitioners for full settlement of the maintenance,dt.23.01.2017. Even notice ordered to the 2nd respondent, it is returned however served on his counsel before the lower Court, hence sufficient service and perused the interim order of the Court suspending the execution of the N.B.W. for six weeks from 19.09.2017.

In view of the contention that the amount by settlement through elders is made on 23.01.2017 by the petitioners to their father/the 2nd respondent and nothing more is payable much less to execute the N.B.W. pending against them. It is a matter to be decided by the trial Court if necessary by adducing evidence by the parties with reference to the document on genuineness of its terms therein. The petitioners are given liberty, by virtue of this order, to file an application before the lower Court within one week from the date of receipt of the orders and the lower Court to enquire and pass orders within one week. In the meantime, there is a stay of execution of N.B.W. against the petitioners.

Accordingly and in the result, the Criminal Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 25.10.2017
vvr

