

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9269 OF 2017

ORDER:

The petitioner aggrieved by the order of the VII Additional Sessions Judge, Eluru, in CrI.M.P.No.363 of 2017 in the pending C.R.P.No.43 of 2017 against the order in M.C.No.38 of 2014, dated 19.08.2016, passed by the learned Additional Judicial First Class Magistrate, Tadepalligudem, maintained the present quash petition.

2. In the maintenance case, maintenance of Rs.10,000/- per month to the wife and Rs.5,000/- per month to the minor daughter was awarded from date of petition by the learned Magistrate and the revision is filed impugning the same and pending the revision, sought for stay of the M.C. order and in granting stay, the court instead of payment of the amount from the date of M.C. petition modified to payment from the date of the M.C. order.

3. The main grievance of the petitioner herein is the quantum is excessive and trial court not considered in granting the stay even the 1st respondent is a government employee.

4. Instead of conducting a rowing enquiry on this aspect by ordering notice to the 1st respondent by sitting against the said interim stay order, this Court feels it just to dispose of

this very petition, to sub-serve the ends of justice, by directing the lower revision court to dispose of the main revision, uninfluenced by the interim stay order observation, on own merits, at any cost, within one month from the date of receipt of a copy of this order, by not interfering with the stay order in the meantime.

4. Accordingly and with the above direction, this criminal petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

04.10.2017
SS

DR.B.SIVA SANKARA RAO, J

