

HON' BLE SRI JUSTICE G. SHYAM PRASAD

CrI.R.C.No. 1229 of 2017

JUDGMENT:-

This Criminal Revision Case arises out of the order in CrI.M.P.No. 1808 of 2016 in D.V.C.No. 262 of 2015 dated 20.04.2017 in D.V. Appeal No. 1151 of 2016 passed by IV Additional Metropolitan Sessions Judge, Hyderabad.

The 1st respondent has filed D.V.C. No. 262 of 2015 under Section 12 of Protection of Women from Domestic Violence Act, 2005 (for brevity "the Act") against the petitioner seeking various reliefs under the Act. She has also filed a petition under Section 20 read with Section 23(2) of the Act, seeking for interim maintenance to her at the rate of Rs.50,000/- p.m., during pendency of the D.V.C. The learned IV Metropolitan Magistrate (Traffic Mobile Court), Hyderabad, by order dated 01.12.2016, in CrI.M.P.No. 1808 of 2016, in D.V.C.No. 262 of 2015, partly allowed the petition granting interim maintenance of Rs.20,000/- p.m. to the 1st respondent.

Being aggrieved by the same, the petitioner has preferred the present D.V. Appeal No.1151 of 2016, on the file of the Court of IV Additional Metropolitan Sessions Judge, Hyderabad. The learned Metropolitan Sessions Judge, by

judgment dated 20.04.2017, while dismissing the appeal, confirmed the order of the trial Court.

By order dated 26.04.2017, this Court had granted interim suspension of execution of the order passed in CrI.M.P.No. 1808 of 2016 on certain conditions. The petitioner was ordered to deposit entire arrears of maintenance @ Rs.10,000/- p.m. within a period of two months. He was further ordered to pay the said maintenance amount continually on or before 5th of each calendar month, failing which, the order of stay granted shall stand vacated.

By virtue of the order dated 23.06.2017 passed in CrI.R.C.M.P.No. 2610 of 2017, time granted for payment of entire arrears of maintenance, was extended by three weeks. Subsequently, on 08.10.2018 and 24.10.2018, there was no representation on behalf of the petitioner. Even today, when the matter has been taken up for hearing, there is no representation on his behalf.

Hence, heard the learned counsel for the 1st respondent and perused the material on record.

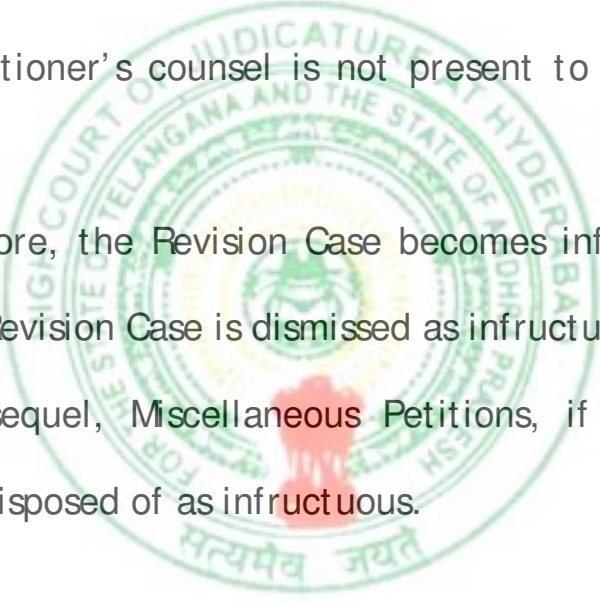
At the outset, the learned counsel for the 1st respondent has produced a copy of the order dated 13.08.2018 passed in D.V.C.No. 262 of 2015. A perusal of the order reveals that the D.V.C.No. 262 of 2015 pending before the learned Judge, has been disposed of vide order dated 13.08.2018. Since the

present revision is arising out of the D.V.C.No. 262 of 2015, the said revision becomes infructuous as the main D.V.C. case has been disposed of by the trial Court.

This revision arises out of an interim order passed in D.V.C. and confirmed in D.V.C. Appeal. The D.V.C. has been disposed of by the trial Court vide order dated 13.08.2018. Since the very D.V.C. is disposed of by the trial Court, this revision, challenging the confirmation of interim order passed in the D.V.C. becomes infructuous. On the other hand, the revision petitioner's counsel is not present to represent the case.

Therefore, the Revision Case becomes infructuous, and hence, the Revision Case is dismissed as infructuous.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.


G. SHYAM PRASAD, J

06.11.2018

bcj