

THE HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE NO.656 OF 2018

ORDER:

Heard the learned counsel for the petitioner as well as the learned counsel for the 1st respondent.

2. The present Criminal Revision Case is filed against the judgment passed in CrI.A.No.50 of 2017 dated 5.2.2018 on the file of the XVI Additional District and Sessions Judge-cum-XVI Additional Metropolitan Sessions Judge-cum-III Additional Family Judge, Rangareddy district modifying the orders passed in CrI.M.P.No.419 of 2016 in DVC.No.6 of 2016 dated 6.4.2016 on the file of the VI Metropolitan Magistrate, Cyberabad at Medchal, Rangareddy district.

3. The facts of the case are that the 1st respondent herein filed DVC.No.6 of 2016 against the petitioner herein on the file of the VI Metropolitan Magistrate, Cyberabad, Medchal. Pending DVC, a petition in CrI.M.P.No.419 of 2016 was filed claiming interim maintenance of Rs.50,000/- p.m. from the petitioner herein. The court below, on 6.4.2016, passed an order directing the petitioner herein to pay an amount of Rs.40,000/- every month towards interim maintenance from the date of filing of main DVC till disposal of the main DVC. Aggrieved by the said orders, the petitioner filed an appeal on

the file of the XVI Additional District and Sessions Judge-cum-XVI Additional Metropolitan Sessions Judge-cum-III Additional Family Judge, Rangareddy district vide Criminal Appeal No.50 of 2017. The appellate Court, after hearing, allowed the appeal by setting aside the orders passed in CrI.M.P.No.419 in DVC.No.6 of 2016 dated 6.4.2016 subject to payment of interim maintenance by the petitioner @Rs.20,000/- p.m. from April, 2016 onwards and arrears of maintenance to be deposited on or before 6.3.2018 and the maintenance amount has to be paid on or before 10th of every month. Aggrieved by the said judgment, the present Criminal Revision Case is filed.

4. Learned counsel for the petitioner would submit that the original order of interim maintenance by the Court below was an ex parte order. The financial status of the petitioner will not permit him to deposit a sum of Rs.20,000/- p.m. since the present salary of the petitioner herein is only about Rs.20,000/- p.m.

5. Per contra, learned counsel for the 1st respondent would submit that the salary certificate produced by the petitioner herein is a fake one since in the cause title it is shown that the petitioner is working in "Accenture" at Bangalore, but the document produced as material papers would reveal that the petitioner is working in Data Ware Housing Technologies and

he resigned from Wipro Technologies. The petitioner is not coming forward with a correct picture as to in which Company he is working.

6. Be that as it may, the present Criminal Revision Case is filed only against the Judgment of the lower appellate court in modifying the interim maintenance granted by the lower Court in DVC. Since the orders passed by both the Courts below are only as an interim measure, pending DVC, this Court is not inclined to go into the merits or otherwise of the allegations and counter allegations made by the parties. However, looking into the facts of the case and after hearing both the counsel, this Court deems it fit to direct the lower Court to dispose of DVC.No.6 of 2016, within a stipulated period.

7. Accordingly, the VI Metropolitan Magistrate, Cyberabad at Medchal, Rangareddy district, is directed to dispose of the main DVC, within a period of four months from the date of receipt of a copy of this order. Till the disposal of the main DVC, the petitioner herein is directed to pay a sum of Rs.15,000/- p.m. to the 1st respondent herein. It is needless to observe that the arrears of maintenance accrued till date shall be paid within a period of one month from today, failing which, the 1st respondent is at liberty to take appropriate steps as per law.

8. With the above observations, Criminal Revision Case is disposed of.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

P. KESHA RAO,J

Date: 15.6.2018

KPM

