

HON' BLE SRI JUSTICE G. SHYAM PRASAD

CrI.R.C.No. 1815 of 2016

JUDGMENT:-

This Criminal Revision Case arises out of the judgment dated 29.04.2016 in CrI.A.P.No. 95 of 2016 passed by the Additional Metropolitan Sessions Judge, Cyberabad at L. B. Nagar, Ranga Reddy District.

Respondent Nos.2 to 4 herein filed D.V.C. No. 18 of 2015 under Section 12 of Protection of Women from Domestic Violence Act, 2005 (for brevity "the Act") against the petitioner herein seeking for the following reliefs:

- a) Grant Protection to the petitioners from the hands of respondents for not to cause the Domestic Violence under Section 18 of D.V.Act.
- b) To pass residence order by directing the respondents to provide accommodation in their house to the petitioners, otherwise to direct the respondents to pay house rent of Rs.5,000/- per month under Section 19 of the D.V.Act;
- c) Direct the respondent No.1 to pay an amount of Rs.10,000/- to the petitioner No.1 and Rs.10,000/- each to the petitioner Nos.2 and 3 to meet their necessities, under Section 20 of D.V.Act.
- d) Direct the respondents to pay Rs.50,00,000/- as compensation for the mental agony suffered by the petitioner, under Section 22 of D.V.Act
- e) Direct the respondents to return the dowry amount of Rs.13,00,000/- which was given by the parents of petitioner to the respondents at the time of marriage, Under Section 19 of D.V.Act.
- f) Pass such other relief or reliefs as the Hon'ble Court may deem fit and proper in the circumstances of the case and in the interest of justice.

Along with the D.V.C., respondent Nos.2 to 4 herein filed a Petition under Section 23 of the Act seeking to grant interim maintenance at the rate of 30,000/- p.m. to respondent Nos.2 to 4 and Rs.5,000/- p.m. towards house rent till disposal of the main D.V.C., and the learned III Metropolitan Magistrate, Cyberabad, at L.B.Nagar, R.R. District, by order dated 09.12.2015 in CrI.M.P.No. 953 of 2015 in D.V.C.No. 18 of 2015, while partly allowing the petition, granted interim maintenance of Rs.10,000/- p.m. to respondent Nos.2 to 4 and rent of Rs.3,000/- p.m.. Being aggrieved by the same, the petitioner herein preferred CrI.A.P.No. 95 of 2016, and the learned Additional Metropolitan Sessions Judge, Cyberabad, R.R. District, by judgment dated 29.04.2016, while dismissing the appeal, confirmed the order of the trial Court. Challenging the judgment of the lower appellate Court, the present Criminal Revision Case is preferred.

Heard the learned counsel for the petitioner, the learned counsel for respondent Nos.2 to 4, and the learned Additional Public Prosecutor appearing on behalf of the 1st respondent and perused the material placed on record.

This Court, by order dated 13.07.2016, while ordering Notice Before Admission, granted interim stay on condition of the petitioner depositing arrears of maintenance @Rs.5,000/- p.m. to respondent Nos.2 to 4 in six equal monthly

instalments and continue to pay the maintenance every month at the above said rate on or before 10th of every month, till disposal of the revision. Respondent Nos.2 to 4 filed I.A.No. 1 of 2018 seeking to vacate the interim order passed by this Court on 13.07.2016.

At the outset, the learned counsel for the petitioner and respondent Nos.2 to 4 have not disputed that the petitioner has not paid the maintenance. The only dispute is with regard to quantum of maintenance payable by the petitioner.

The learned counsel for the petitioner submits that as this Court has directed to pay interim maintenance of Rs.5,000/- per month, the petitioner is ready to deposit an amount of Rs.42,000/- towards arrears of maintenance amount. The petitioners' counsel approached the trial Court for depositing the said amount and filed his Calculation Memo calculating @Rs.13,000/- p.m. from April, 2018 onwards. This Court, by order dated 20.04.2018, vacated the interim stay granted on 13.07.2016. Subsequently, both the parties were directed to file Calculation Memos and they have filed today. According to the petitioner, he has to pay arrears of maintenance of Rs.42,000/- and according to respondent Nos.2 to 4, the petitioner has to pay Rs.2,23,000/-.

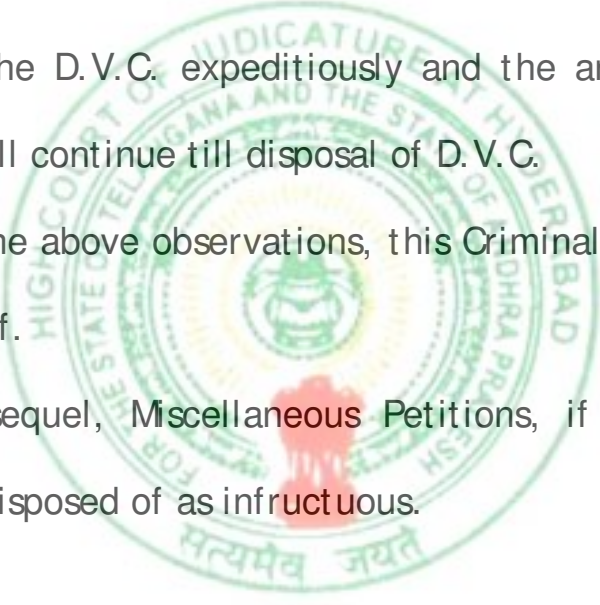
It is agreed by the both the counsel that the petitioner shall pay an amount of Rs.7,500/- p.m. to respondent Nos.2 to

4 and arrears @ Rs.5,000/- p.m. from the date of this Revision Case till today.

Having regard to the submissions made by the learned counsel for both the parties, and since consensus has arrived at between the parties, this Court directs the petitioner to pay an amount of Rs.7,500/- p.m. and arrears at the rate of Rs.5,000/- p.m. from the date of filing this Revision Case till today, within a period of four weeks from the date of receipt of a copy of this order. The trial Court is directed to dispose of the D.V.C. expeditiously and the arrangement of payment shall continue till disposal of D.V.C.

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

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


G. SHYAM PRASAD, J

06.11.2018

bcj