

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Revision Case No.340 of 2019

ORDER:

1. Heard.

2. The present impugment is against order in CrI.A.No.1229 of 2017 of the learned V Additional Metropolitan Sessions Judge, Ranga Reddy district at L.B.Nagar in CrI.M.P.No.340 of 2017, dated 09.05.2018 which appeal maintained against the interim measure by way of interim maintenance in CrI.M.P.No.2003 of 2016 in pending D.V.C.No.14 of 2016 by the learned II Metropolitan Magistrate at L.B.Nagar and against that interim maintenance, the appeal under Section 29 of the Act filed and pending appeal, the interim order to deposit 50% referred supra, appeal ultimately ended in dismissal covered by the impugned order dated 28.02.2019 to consider the main revision *lis* with reference to it, there shall be interim suspension of recovery subject to 50% of the amount to pay all arrears within three (3) weeks from the date of receipt of the order if not already paid at that time.

3. From the factual background supra, as it is only an interim maintenance without finality, that too when the learned Magistrate granted and ultimately even directed to pay the 50% pending appeal, ultimately appeal dismissed. This Court feels not just to keep the revision pending, much less by ordering notice to the respondent or to grant any stay or to admit the revision, but for

to direct the learned Magistrate to dispose of main DVC as one of the core of the contentions of the DVC respondent-cum-revision petitioner is that, there was settlement by payment of Rs.20 lakhs and also by registration of house plot and the claim even settled for permanent alimony. With concerned advice, the DVC case is filed with oblique motive and the Courts below did not consider this aspect in awarding interim measure of maintenance. The trial Court shall make every endeavour for disposal of the main DVC by giving utmost preference preferably within three months from the date of receipt of the order. The balance amount payable subject to earlier stay pending appeal since vacated, is directed to be deposited meantime so that ultimately in the event of success, DVC respondent can take back, otherwise DVC petitioners will get.

4. In the result, the Criminal Revision Case is disposed of. Miscellaneous petitions pending if any, in this case, shall stand closed.

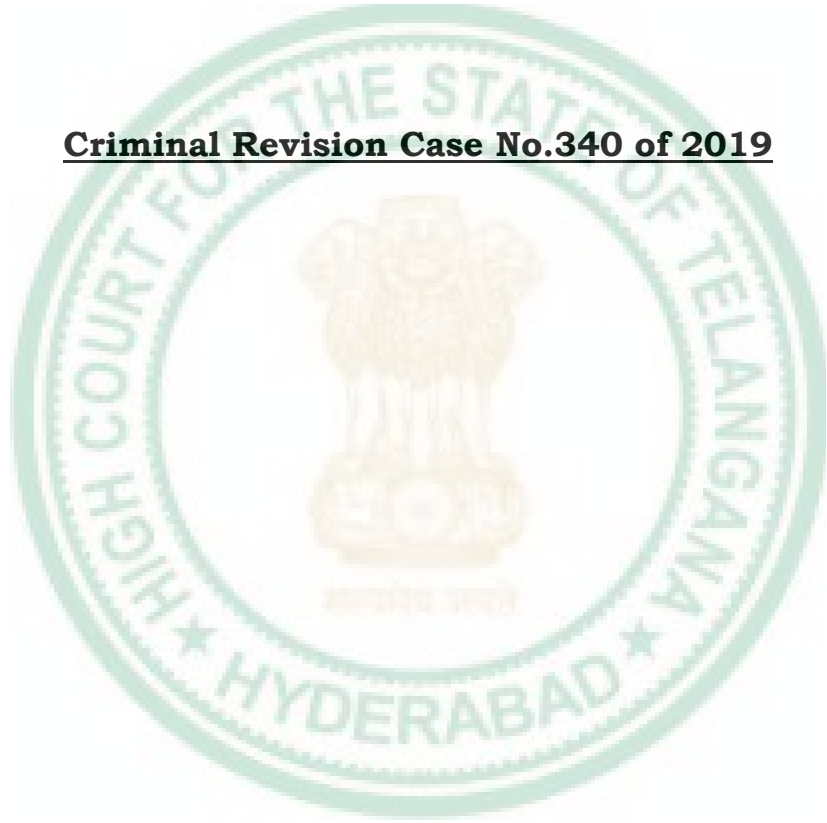
Dr. B. SIVA SANKARA RAO, J

Date: 03.04.2019

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3rd April, 2019

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