

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CRIMINAL REVISION CASE No.755 of 2018

ORDER:

This Criminal Revision Case under Sections 397 and 401 of Cr.P.C., aggrieved by the docket order dt.01.11.2017 in CrI.MP.No.42 of 2017 in M.C.No.206 of 2012 passed by the XVI Additional District and Sessions Judge, Ranga Reddy District at Malkajgiri, directing to issue non-bailable warrant against the petitioner/respondent for non-payment of arrears of maintenance and also monthly maintenance amount to respondent Nos.1 and 2.

Respondent No.1-wife has filed M.C.No.206 of 2012 before the Family Court, Ranga Reddy District at L.B. Nagar and the same was transferred to the Court of XVI Additional District and Sessions Judge, Ranga Reddy District at Malkajgiri, and the said Court vide order dt.20.01.2016 awarded a sum of Rs.4,000/- per month to respondent No.1-wife and Rs.3,000/- per month to respondent No.2-daughter of the petitioner from the date of filing of Maintenance Case on 29.06.2012, besides costs of Rs.10,000/-. As the petitioner failed to pay the maintenance amount regularly, respondent No.1 filed CrI.MP.No.42 of 2017 in M.C.No.206 of 2012 claiming arrears of maintenance from 30.01.2016 till 29.12.2016, total amounting to Rs.77,000/- and also to deposit future monthly maintenance amount. After hearing

both sides and considering the material on record, the Court below, by the aforesaid order dt.01.11.2107 directed to issue non-bailable warrant against the petitioner/respondent for non-payment of arrears of maintenance and also maintenance amount to respondent Nos.1 and 2. Hence, the present Criminal Revision Case.

Heard Sri A. Venkata Ramaiah, learned counsel for the petitioner and Sri CH. Venu Kumar, learned counsel for respondent Nos.1 and 2. Perused the material on record.

Learned counsel for the petitioner submits that the petitioner has been regularly complying with the order dt.20.01.2016 as on date, however, on account of financial stringency, he is unable to pay arrears of maintenance amount. Learned counsel for the petitioner fairly submits that the petitioner is not challenging the quantum of maintenance amount awarded by the Court below, however, he seeks indulgence of this Court to grant some time and allow the petitioner to pay arrears of maintenance in some instalments.

Learned counsel for respondent Nos.1 and 2 fairly submits that considering the fact that the order was passed as early as on 01.11.2017, at best three months time could be granted to the petitioner, subject to the condition of the petitioner paying at least a part of the arrears of maintenance as of date.

Having regard to the submissions made by the learned counsel for the respective parties and keeping in view the facts and circumstances of the case, this Criminal Revision Case is disposed of directing the petitioner to deposit 50% of arrears of maintenance amount till date within three (3) weeks from today and the balance amount in two (2) equal monthly instalments. The petitioner also shall continue to pay the monthly maintenance amount as directed by the Court below vide order dt.20.01.2016. It is made clear that in default of payment of maintenance amount, as directed by this Court, this order shall stand nullified and respondent Nos.1 and 2 are at liberty to enforce the order dt.01.11.2017 passed by the Court below.

As learned counsel for respondent Nos.1 and 2 seeks enhancement of maintenance amount on the ground that there is a hike in the cost of living and also in inflation, without expressing any opinion on the same, it is made clear that this Court may not preclude respondent Nos.1 and 2 from seeking enhancement of maintenance.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE CHALLA KODANDA RAM

01.07.2019.
Msr

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