

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
MONDAY, THE TWENTY EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE DR. JUSTICE D.NAGARJUN
IA No. 1 OF 2022
IN
CRLRC NO: 783 OF 2022

Between:

Nagavelli Rajaiah S/o Laxmi Rajam

...Petitioner/Respondent
(Petitioner in CRLRC 783 OF 2022
on the file of High Court)

AND

1. State of Telangana, Rep. by its Public Prosecutor High Court of Hyderabad, Hyderabad.
2. Nagavelli Nirmala @ Thirumala, W/o Rajaiah, Occ. Household, R/o H.No. 5-6-649, Old Bazar, Karimnagar City.
3. Nagavelli Sai Krishna, S/o Rajaiah, Occ. Student, R/o H.No. 5-6-649, Old Bazar, Karimnagar City.

...Respondents
(Response in-do-)

Counsel for the Petitioner

: SRI ANIRUDH THIMMARAJU

Counsel for the Respondent No.1

: ASSISTANT PUBLIC PROSECUTOR

Petition under Section 397 (1) R/w 482 of Cr.P.C praying that in the circumstances stated in the petition, the High Court may be pleased to suspend execution of the order dated 11/09/2022 in FC.MC.No. 03 OF 2018 on the file of the Judge Family Court-cum-IV Addl. District AND Sessions Judge, at Karimnagar at Karimnagar, pending disposal of CRLRC No.783 of 2022, on the file of the High Court.

The Court made the following

ORDER

This Interlocutory Application is filed under Section 397 (1) read with Section 482 of Criminal Procedure Code, seeking suspension of execution of Order dated 11.09.2022 in F.C.M.C.No.03 of 2018 on the file of the learned Family Court-cum-IV Additional District & Sessions Judge, Karimnagar.

Heard learned counsel for the petitioner as well as the learned Assistant Public Prosecutor for the State/respondent No.1 and perused the record.

It is submitted by the learned counsel for the petitioner that in D.V.C.No.2 of 2010 the orders were passed on 17.01.2012 wherein the petitioner was directed to pay an amount of Rs.2,500/- to the respondent No.2 and 3 herein and that the respondent also filed F.C.M.C.No.03 of 2018 on the file of the learned Family Court-cum-IV Additional District & Sessions Judge, Karimnagar wherein the petitioner was directed to pay an amount of Rs.4,000/- and Rs.2,000/- to the respondents No.2 and 3 respectively from the date of petition.

According to the learned counsel for the petitioner, the petitioner is having barber shop in the remote village and he is not earning more than Rs.4,000/- to Rs.5,000/- per month and after getting decree of dissolution of marriage from the first respondent, he again married and he got two children, out of two children, one child is physically challenged with 100 % disability and sought for suspension of Order dated 11.09.2022 in F.C.M.C.No.03 of 2018 on the file of the learned Family Court-cum-IV Additional District & Sessions Judge, Karimnagar.

Considering the circumstances and submission made by the learned counsel for the petitioner, the Order dated 11.09.2022 in F.C.M.C.No.03 of 2018 on the file of the learned Family Court-cum-IV Additional District & Sessions Judge, Karimnagar, is suspended, subject to condition of depositing of maintenance amount at the rate of Rs.2,000/- per month and also on condition of depositing 50 % of arrears of maintenance amount within one month from the date of this Order. It is made clear that the suspension orders come into effect only on compliance of above conditions.

SD/ N. CHANDRASEKHAR
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Judge, Family Court-cum-IV Additional District & Sessions Judge, Karimnagar
2. Nagavelli Nirmala @ Thirumala, W/o Rajaiah, Occ. Household, R/o H.No. 5-6-649, Old Bazar, Karimnagar City.
3. Nagavelli Sai Krishna, S/o Rajaiah, Occ. Student, R/o H.No. 5-6-649, Old Bazar, Karimnagar City. (2 & 3 By RPAD)
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad (OUT)
5. One CC to Sri Anirudh Thimmaraju Advocate [OPUC]
6. One spare copy

HIGH COURT

DR.DNRJ

DATED:28/11/2022

per an 28/12/2022

ORDER

IA NO.1 OF 2022

In

CRLRC.No.783 of 2022

DIRECTION

