

Order is pronounced.

ORDER ON I.A. NO. I

The ^spetitioner has filed this petition u/sec. 397 of the Code of Criminal Procedure, praying to set aside the order dated 13.02.2024, passed by the Court of the Ist Addl. Civil Judge & J.M.F.C., Chikodi in CrI. Misc. No.547/2014, whereby the trial court has enhanced the monthly maintenance to the respondent No.1 at the rate of Rs. 2,000/- and to the respondent No.2 at the rate of Rs.1,500/- payable by the petitioner.

2. Along with this petition, the petitioner has also filed I.A. No.I u/sec. 397(1) of the Code of Criminal Procedure, praying to stay the execution and operation of the impugned order till disposal of this petition on one of the main grounds that the respondents are not entitled for so much enhanced monthly maintenance amount and hence, he is not liable to pay the said maintenance amount and that the impugned order is erroneous and same is liable to be set aside.

3. I have heard and perused the case records.

4. A perusal of the case records brings to light that the trial Court has awarded/enhanced the above said quantum of maintenance to the present respondents. The petitioner has seriously contended in such a way that the respondents are not entitled for so much maintenance amount and that he is not liable to pay the same.

5. It is necessary to mention that the question whether the impugned order is correct or incorrect needs to be judged on the basis of the materials after hearing both the sides and perusing the trial

court records. It appears from the records that there is no dispute with regard to the relationship among the parties. This is a fit case for granting the stay order as prayed for in this IA till disposal of this case.

6. Therefore, I feel it just and proper to stay the execution and operation of the impugned order in Crl. Misc. 547/2014 subject to the condition of deposit of 50% of the arrears of the maintenance amount up to date by the petitioner before the trial court. Therefore, I proceed to pass the following:

ORDER

i) The I.A. No. I stands ALLOWED and the execution and operation of the order dated 13.02.2024 passed by the court of the Ist Addl. Civil Judge & J.M.F.C. Chikodi in Crl. Misc. No. 547/2014 stands STAYED till disposal of this case, subject to the condition that the petitioner shall deposit 50% of the arrears of maintenance amount accrued till today in the trial court within a period of 15 days from the date of

this order. Failing which, the stay order shall automatically be vacated.

ii) The petitioner shall intimate to this court regarding the compliance of the above said condition on the next date of hearing of this case.

iii) The office is directed to communicate this order to the trial Court forthwith and issue notice to the respondents, if requisite PF and copies are furnished. Call on 10.06.2024.

(Dictated to the Stenographer directly over the computer and typed by him and corrected, signed and then pronounced by me in the Open Court on this the 15th day of May 2024.)

**(S. L. CHAVHAN)
VII Addl. District & Sessions Judge,
Belagavi, Sitting at Chikkodi.**