

Counsel for the Revision Petitioner is present.
Following Order is passed on I.A.No.I.

ORDER ON I.A. NO. I

The petitioner^s has filed this petition u/sec. 397 of the Code of Criminal Procedure, praying to set aside the order dated 19.03.2024, passed by the Court of the Prl. Civil Judge & J.M.F.C., Chikodi in Crl. Misc. No.290/2019, whereby the trial court has ordered the present petitioner to pay Rs.10,000/- per month to respondent No.1 and Rs. 4,000/- to respondent No.2 as maintenance.

2. The petitioner has filed I.A. No.I u/sec. 397(2) 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 of 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. Heard and perused the documents on record.

4. The question whether the impugned order is correct or incorrect has to be judged on the basis of the materials after hearing both the sides and perusing the trial court records. The relationship between the parties as husband, wife and daughter is admitted. Hence, this is a fit case for granting the stay order as prayed for in this IA till disposal of this case.

5. Hence, the execution and operation of the impugned order in Crl. Misc.290/2019 is stayed subject to the condition that the present revision petitioner shall deposit of 50% of the arrears of the maintenance amount up to date by before the trial court. Hence, the following:

ORDER

i) The I.A. No. I is ALLOWED and the execution and operation of the order dated 19.03.2024 passed by the court of the Prl. Civil Judge & J.M.F.C. Chikodi in

Crl. Misc. No. 290/2019 is 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 30 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 01.08.2024.

(Dictated to the Typist directly over the computer and typed by him and corrected, signed and then pronounced by me in the Open Court on this the 25th day of June 2024.)

(SMT. KAVERI)

**VII Addl. District & Sessions Judge,
Belagavi, Sitting at Chikkodi.**