

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

IA No. 1 OF 2022

IN

CRLRC NO: 681 OF 2022

Between:

Jai Balaji, S/o. Chandrasekhar

...Petitioner

(Petitioner in CRLRC 681 OF 2022
on the file of High Court)

AND

1. Neelam W/o. Jai Balaji, Occ. Business, resident of.5-66-24, Sai Chandra Colony, Dammaiguda, Hyderabad-500062, Medchal-Malkajgiri (D),
Telangana
2. Yashmit Yogesh, S/o. Neelam, Aged about 9 years, Minor under the guardianship of his natural mother i.e., the respondent no.1, resident of 5-66-24, Sai Chandra Colony, Dammaiguda, Hyderabad-500062, Medchal-Malkajgiri (D), Telangana
3. The State of Telangana, Rep. by Public Prosecutor, Hyderabad, Telangana
...Respondents
(Respondents in-do-)

Counsel for the Petitioner

: SRI B RAJESHWAR REDDY

Counsel for the Respondents No.1 & 2 : SRI A RAM BABU (Not being present)

Counsel for the Respondent No.3

: PUBLIC PROSECUTOR

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the petition, the High Court may be pleased to suspend all further proceedings in M.C.No.72 of 2016 on the file of the Principal District and Sessions Judge-cum-Family Court Judge, Medchal-Malkajgiri District, Malkajgiri

including payment of monthly maintenance of Rs.15,000/- and Rs.2,000/- to the 1st respondent and the 2nd respondent respectively by the revisionist, pending disposal of CRLRC No. 681 of 2022, on the file of the High Court.

The Court made the following

ORDER

This petition is filed under Section 482 of Cr.P.C with a prayer to suspend all further proceedings in M.C.No.72 of 2016 on the file of Prl. District and Sessions Judge-cum-Family Court Judge, Medchal-Malkajgiri District.

The revision petitioner is the respondent and respondent Nos.1 and 2/wife and minor son of the respondent filed the petition seeking maintenance. In the impugned order Rs.15,000/- and Rs.2,000/- respectively was awarded to the respondents.

In revision, learned counsel for the petitioner would submit that though there is no dispute as to paternity of the second respondent, but by the date of marriage as the first marriage with the respondent was subsisting, the marriage with the revision petitioner stands void as such she does not qualify the term legally wedded wife. However, the Court below without considering this aspect and the financial position and earnings of the revision petitioner awarded the entire amount as claimed. Thus, he got a strong case for consideration in the revision petition. Further, the respondent Nos.1 and 2 have filed execution petition and pressing it before the executing Court. As the financial aspect needs consideration, pending the revision, prayed for suspension of the petition. It has been submitted that, the petitioner is ready to pay certain amounts and the arrears that may be directed.

None appears for the respondent Nos.1 & 2.

Having regard to the submissions and the aspect of entitlement of respondent No.1 for maintenance in the stance of legally wedded wife and the capacity of the revision petitioner to earn requires detailed examination of the materials placed on record and in view of the *prima-facie* case on one hand and considering the situation of filing execution petition and readiness of petitioner to pay certain amounts, this Court is of the considered view that, subject to revision petitioner paying 60% of

the awarded maintenance to the respondent Nos.1 and 2 on or before 5th of every month and pay entire arrear amount @ 60% per month in two equal monthly installments by July, 2024 and August, 2024 to the bank account of the respondent No.1, granting stay of further proceedings on the basis of the impugned order is found appropriate and accordingly this petition is ordered.

It is made clear that if the revision petitioner fails to abide by the conditions imposed, the order of suspension of all further proceedings on the basis of impugned order stands vacated automatically.

//TRUE COPY//

SD/- K.VENKAIAH
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal District and Sessions Judge-cum-Family Court Judge, Medchal-Malkajgiri District, Malkajgiri
2. Neelam W/o. Jai Balaji, Occ. Business, resident of.5-66-24, Sai Chandra Colony, Dammaiguda, Hyderabad-500062, Medchal-Malkajgiri (D), Telangana (for self and on behalf of respondent No.2, viz. Yashmit Yogesh, S/o. Neelam, being Minor) (By RPAD)
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad (OUT)
4. One CC to SRI B RAJESHWAR REDDY Advocate [OPUC]
5. One CC to SRI A RAM BABU Advocate [OPUC]
6. One spare copy

HIGH COURT

NTR,J

DATED:11/07/2024

ORDER

**IA NO.1 OF 2024
IN
CRLRC.No.681 of 2022**



DIRECTION