

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.859 of 2015

ORDER :

This civil revision petition is filed by the petitioner in I.A.No.834 of 2013 in O.P.No.306 of 2012 on the file of Family Court-cum-IV Additional District and Sessions Judge, Vijayawada, aggrieved by order dated 21.04.2014, passed in the said I.A.

2. O.P.No.306 of 2012 is filed by the respondents herein, who are none other than the wife and daughters of the petitioner. Pending O.P., interim maintenance was granted at the rate of Rs.1,000/- each per month to the respondents herein. Finally, the O.P. was disposed of by order and decree dated 27.11.2013 by the Family Court, awarding maintenance at the rate of Rs.6,000/- per month to respondent No.1 and Rs.4,000/- per month to each of respondents 2 and 3, apart from awarding a further amount of Rs.2,00,000/- each in favour of respondents 2 and 3.

3. Petitioner herein has filed I.A.No.834 of 2013 under Order 9 Rule 13 of C.P.C., seeking to set aside the aforesaid exparte decree and the said petition is allowed by impugned order dated 21.04.2014, on condition that the petitioner shall deposit the entire amount payable to the respondents towards interim monthly maintenance till the date of said order, by 02.06.2014, failing which, the petition shall stand dismissed.

4. Though it is argued by the learned counsel for petitioner that the very marriage is in dispute, it is a matter to be gone into while disposing of the O.P. on merits. Even according to the case of petitioner, the interim maintenance awarded is only Rs.1,000/- to each of the respondents, and in that view of the matter, I do not find any merit in this revision to interfere with the condition imposed in the order dated 21.04.2014. At the same time, in view of the financial stringency pleaded, petitioner is permitted to pay arrears of interim

monthly maintenance as directed by the court below in the order dated 21.04.2014, in two instalments and the first of such instalment shall be paid within a period of six weeks from today and the remaining amount shall be paid within a further period of six weeks thereafter. On such deposit, it is open to the respondents to withdraw the same without furnishing any security. If the petitioner pays the amount as directed above, the exparte decree shall stand set aside.

5. Subject to the aforesaid directions, the revision petition is disposed of. No costs.

Pending miscellaneous applications, if any, shall stand closed.

R. SUBHASH REDDY, J

20th March 2015

ajr