

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

TUESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FIFTEEN

PRESENT
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL REVISION CASE No.939 of 2007

Between:

Mr.burra Venkatanarayana

..... PETITIONER

AND

Smt.burra Varalakshmi Sujana and another

.....RESPONDENTS

The Court made the following:

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL REVISION CASE No.939 of 2007

ORDER:

The criminal revision case is filed against the order dated 29.06.2007 in M.P.No.292/2007 in MC No.6/2006 on the file of the Judge, Family Court, Visakhapatnam, by and under which, the Court below dismissed the petition filed by the petitioner herein seeking to set aside the *ex parte* order.

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor, representing the State.

The petitioner is the husband and the 1st respondent is the wife.

The 1st respondent/wife filed M.C.No.6/2006 against the petitioner/husband claiming maintenance @Rs.3,000/- per month. Notice thereof was sent to the petitioner/husband and the same was returned unserved. The petitioner/respondent was *set ex parte* in the maintenance case by order dated 05.07.2006. Thereafter, taking the evidence of the 1st respondent/wife as PW 1, by the impugned order dated 31.08.2006, the learned trial Court awarded maintenance to the 1st respondent/wife @Rs.2,000/- per month.

After 9 months from the date of *ex parte* order, the petitioner/husband filed petition seeking to set aside the *ex parte* order dated 05.07.2006. Having observed that the petitioner/husband ought to have filed petition to set aside the *ex parte* decree but not *ex parte* order, and even otherwise, the petition is filed after a lapse of 9 months to the *ex parte* order and as there are no sufficient grounds to set aside the *ex parte* order or decree, the Court below dismissed the said petition. Hence the present revision.

I have perused the material available on record. As observed by the Court below, there is no just and sufficient cause put forth by the petitioner/husband for his non-appearance before the Court below either on 05.07.2006 or on 31.08.2006. That apart, what is noticed is that the petitioner/husband is not denying the relationship between him and the 1st respondent/wife. The order impugned is award of maintenance to the wife @Rs.2,000/- In that view of the matter, I see no merits in this revision and the same is liable to be dismissed.

The Criminal Revision Case is accordingly dismissed.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 25.08.2015
Dsr