

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1156 OF 2015

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ORDER:

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This Criminal Revision Case is filed by the petitioner challenging the order of the Judge, Family Court, Vijayawada in Crl.M.P.No.433 of 2013 in M.C.No.248 of 2012, whereby the learned Judge dismissed the application filed by the petitioner herein for his absence, which was filed to set aside the ex parte order dated 9.7.2013 allowing the M.C.No.248 of 2012 and directing the petitioner herein to pay a allowance at Rs.10,000/- per month to his wife-second respondent herein.

The second respondent, who is the wife of the petitioner herein filed the maintenance case seeking monthly allowance at Rs.20,000/- per month. Since the petitioner herein remained ex parte, the learned Judge allowed the M.C. awarding allowance to the wife at Rs.10,000/- per month. Aggrieved thereby, the petitioner filed the impugned application to reopen the maintenance case and even the said application was dismissed for default. Hence the revision.

Now, the learned counsel for the petitioner submitted that the petitioner is ready to proceed with the trial and that the petitioner being Purohit not in a position to pay the huge amount as ordered by the trial Court and prayed to set aside the said order.

Considering the facts and circumstances of the case, the impugned order is set aside and the Crl.M.P.No.433 of 2013 is allowed. The trial Court is directed to dispose of M.C.No.248 of 2012 within a period of three months. Till disposal of the said M.C., the petitioner is directed to pay the allowance at Rs.3,000/-

per month to the second respondent herein and as far as arrears are concerned, it should be calculated at Rs.3,000/- per month and the same shall be deposited before the trial Court in three monthly equal instalments commencing from 10th August, 2015.

The revision is disposed of accordingly.

Consequent thereto, the Miscellaneous Petitions, if any, shall stand closed.

JUSTICE RAJA ELANGO

06.07.2015

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