

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1002 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioner-husband challenging the order dated 28.3.2014 passed in M.C.No.269 of 2012 by the Family Court, Ranga Reddy District at L.B. Nagar, Hyderabad.

2. The petitioner is the husband of the 2nd respondent. The 2nd respondent filed the above M.C. seeking maintenance of Rs.30,000/- per month from the petitioner-husband. After conducting trial, the trial Court directed the petitioner to pay monthly maintenance at the rate of Rs.15,000/- to the 2nd respondent from the date of petition. The petitioner was also directed to pay the said maintenance on or before 5th of every succeeding month. Aggrieved by the same, the petitioner-husband filed the present revision.

3. Heard and perused the material on record.

4. As can be seen from the material on record, it is clear that the petitioner has not participated in the trial. The order under revision is nothing but an ex parte order. The learned Counsel for the petitioner submitted that the petitioner filed an application seeking to set aside the ex parte order and the said petition was dismissed by the trial Court. He further submitted that the trial Court set the petitioner ex parte and no opportunity was given to him to establish his case and the petitioner is disputing the marriage with the 2nd respondent and that the petitioner is not able to pay the arrears accrued to a tune of Rs.3,00,000/- and that the maintenance awarded by the trial Court is exorbitant and excessive.

5. Considering the facts and circumstances of the case and in view

of the submission made by the learned Counsel for the petitioner, without expressing any opinion on the merits of the case, the Criminal Revision is disposed of with the following direction:

(i) The order under revision is set aside and the matter is remanded for passing orders afresh, after affording opportunity to all the parties.

(ii) The trial Court is directed to dispose of the M.C. within a period of six months.

(iii) The petitioner herein is directed to pay a sum of Rs.10,000/- p.m., to the 2nd respondent towards interim maintenance commencing from the month of June, 2015 and continue to pay the same on or before 10th of every succeeding month till disposal of the M.C.

(iv) The petitioner is also directed to appear before the trial Court and participate in the proceedings in the above M.C. If he fails to participate in the said proceedings, the trial Court is at liberty to pass orders on the basis of the evidence available on record.

(v) The petitioner has a right to cross-examine the witnesses. However, it is left open to the petitioner herein to adduce any defence on his behalf, if he so desires.

(vi) While considering the M.C. afresh, without being influenced by this order, the trial Court is at liberty to decide the issue as to the claim or grant of maintenance from the date of petition.

Consequently, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 22nd June, 2015

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THE HONOURABLE SRI JUSTICE RAJA ELANGO

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CRIMINAL PETITION No.1002 of 2015

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22.6.2015

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