

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.1310 of 2015

ORDER

This revision is directed against the order, dated 22.03.2013 passed in M.C.No.51 of 2012 by the learned Judge, Family Court-cum-IV Additional District and Sessions Judge, Vijayawada, Krishna District.

2. The facts in brief are that the petitioner herein is the father of respondents 1 and 2. He used to suspect the character of his wife and used to harass her both physically and mentally and also tried to kill her on 20.04.2010. He also necked her out and her children from the matrimonial house. Hence, the unofficial respondents herein filed M.C.No.51 of 2012 seeking to grant maintenance of Rs.5,000/-per month each till they attain majority. By the order impugned, the trial Court granted a sum of Rs.3,000/- per month each to the unofficial respondents. Aggrieved by the same, the present revision is filed.

3. Heard both sides and perused the material on record.

4. Learned counsel for the petitioner submitted that as the order impugned is an *ex parte* order, he prays to remand the matter to the trial Court for fresh disposal on merits.

5. As seen from the order impugned, it does not disclose as to whether the respondent appeared or not. Therefore, this Court is of the view that the trial Court passed the order impugned without giving any reasonable opportunity to the petitioner herein. In view

the same, the order impugned is set aside and the matter is remanded to the trial Court for fresh disposal on merits. Hence, the Criminal Revision Case is allowed with the following directions;

(a) the trial Court is directed to conduct trial afresh in the M.C, and pass appropriate orders after giving sufficient opportunity to all the parties;

(b) meanwhile, the petitioner is directed to pay a sum of Rs.1500/-each to the unofficial respondents towards interim maintenance from the month of March, 2013 and continue to pay the same on or before 10th of every succeeding month till disposal of the maintenance case.

(c) the petitioner herein is also directed to pay the entire arrears of maintenance at the rate fixed by this Court in three equal monthly instalments on or before 15.07.2015, 15.08.2015 and 15.08.2015 respectively. The payments, if any made, have to be adjusted accordingly.

6. With the above direction, the Criminal Revision Case is allowed. Miscellaneous petitions, if any, pending in this revision shall stand closed.

JUSTICE RAJA ELANGO

24th June, 2015

sj