

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.682 of 2015

ORDER:

Heard learned counsel for the petitioner and learned counsel for the first respondent.

The present Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C. challenging the order dated 07.03.2014 passed in CrI.M.P.No.291 of 2013 in M.C.No.189 of 2012 on the file of the Judge, Family Court-cum-IV Additional District and Sessions Judge, Vijaywada, wherein an application under Section 126 (2) Cr.P.C. to set aside the *ex parte* order was rejected.

A perusal of the material on record would show that the first respondent herein, who is the mother of the petitioner, filed an application under Section 125 (3) Cr.P.C. claiming monthly maintenance of Rs.10,000/-. By an order dated 03.06.2013, the learned trial Judge awarded maintenance at Rs.8,000/- per month to the first respondent herein. The said order which was passed on 03.06.2013 was an *ex parte* order and no evidence was adduced on his behalf.

Learned counsel for the petitioner submits that the petitioner is working as Head Cashier in Central Bank of India, Gudivada and since no leave was sanctioned he could not attend the Court and contest the matter. He further submits that the petitioner will be put to an irreparable loss if the order is not set-aside. He also submits that the petitioner is willing to pay the entire maintenance if reasonable time is given.

Having regard to the circumstances stated above, the order

under challenge is set-aside subject to the condition of petitioner paying the entire arrears @ Rs.8,000/- per month within a period of ten weeks from today. On payment of the said amount within the stipulated time, the trial Court shall give an opportunity to the petitioner to contest the matter. If the petitioner fails to pay the amount, the trial Court shall proceed and pass orders in accordance with law.

With the above direction, the Criminal Revision Case is disposed of. Miscellaneous petitions, if any, pending, shall stands closed.

C.PRAVEEN KUMAR,J

28.04.2015

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