

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.2655 of 2015

ORDER

The present criminal revision case is directed against the docket order dated 28.11.2014 passed in.M.C.No.268 of 2014 by the learned Judge, Family Court, Vijayawada.

2. Respondents 1 and 2 herein being the wife and son filed M.C.No.268 of 2014 claiming maintenance of Rs.25,000/- and Rs.15,000/- per month respectively, from the petitioner/husband. Petitioner states that the trial Court after setting him an *ex parte* since the notice sent to him was returned with no endorsement, passed the order impugned directing him to pay a sum of Rs.10,000/- and Rs.5,000/- per month to respondents 1 and 2 respectively, towards maintenance. The grievance of the petitioner is that the trial Court has passed the impugned order without giving an opportunity of hearing to him. Hence, the petitioner filed the present revision.

3. Heard and perused the material on record.

4. Learned counsel for the petitioner submits that the petitioner is ready to face trial by placing his evidence and is willing to pay the maintenance, if any, ordered by the Court.

5. Considering the facts and circumstances of the case, this Court is of the view that necessarily an opportunity should be given to the petitioner. In view of the same, the trial Court is directed to restore the M.C., to its file and dispose of the same in accordance with law within a period of three months from the date of receipt of a copy of this order. Till such time, the petitioner/husband is directed to pay interim maintenance of Rs.5,000/-per month to respondent

No.1/wife and Rs.3,000/-per month to respondent No.2/son commencing from the month of December, 2015.

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

JUSTICE RAJA ELANGO

24th November, 2015

sj