

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1458 OF 2015

ORDER:

The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.) being aggrieved by the order dated 03.07.2015 passed in CrI.M.P.No.590 of 2014 in M.C.No.262 of 2013 on the file of the Family Court cum IV Additional District and Sessions Judge's Court at Vijayawada, whereby the learned Judge dismissed the petition filed by the petitioner to set aside the *ex parte* order dated 19.06.2014 passed in M.C.No.262 of 2013.

Heard and perused the material available on record.

The Court below dismissed the application of the petitioner to set aside the *ex parte* order dated 19.06.2014 in M.C.No.262 of 2013 on the ground that admittedly the registered post was returned as unserved but as 'intimated' and that the Court below treated the summons served to the petitioner. But the learned counsel for the petitioner submits that the petitioner is not aware of the proceedings and he submits that the petitioner is ready to cooperate with the trial and he is ready to face the trial till disposal of the case.

Considering the facts and circumstances of the case, the criminal revision case is disposed of with a direction to the Court below to restore M.C.No.262 of 2013 on its file and pass appropriate orders after hearing both parties in accordance with law. Till disposal of the M.C., the petitioner herein is directed to pay 50% of the monthly allowance as ordered by the Court below, i.e., Rs.2,250/- (Rupees two thousand and two hundred and fifty only) each to the respondents 2 and 3. The petitioner is also directed to pay entire arrears of maintenance calculating @ Rs.2,250/- each per month on or before 30.09.2015. The Court below need not be influenced by this order and the Court below can pass appropriate orders on merits

of the case.

With the above directions, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

28.07.2015

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