

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1155 OF 2015

ORDER:

The present criminal revision case is filed by the petitioner challenging the order, dated 02.07.2011, passed in M.C.No.209 of 2010 by the Additional Metropolitan Sessions Judge for the trial of JHCBBC-cum-BBC-cum- Additional Family Court-cum-XXIII Additional Chief Judge, Hyderabad, whereby the learned Judge directed the petitioner herein to pay monthly maintenance of Rs.5,000/- to the first respondent herein payable from the date of petition.

Heard.

Learned counsel for the petitioner submitted that when the counsel for the petitioner herein was absent, the Court below without giving any opportunity to the petitioner passed an *ex parte* order granting monthly maintenance of Rs.5,000/- (Rupees five thousand only) to the first respondent herein and also the legal expenses of Rs.1,000/-. He further submitted that he wants to substantiate his case by way of producing his salary certificate.

Though the notice is served on the first respondent herein, none appears for the first respondent.

Considering the facts and circumstances of the case and also in view of the fact that the first respondent herein has already obtained divorce, the matter is remanded to the Court below for adducing evidence by the petitioner herein. The trial Court is directed to issue notice to the first respondent herein and the petitioner herein is also directed to depose his evidence and also produce all relevant documents to substantiate his case before the Court below. The Court below is also directed to dispose of M.C.No.209 of 2010, within a period of six months from the date of receipt of copy of this Order. The petitioner is directed to pay monthly maintenance of Rs.3,000/- (Rupees three thousand only) to the first respondent herein till disposal of M.C.No.209 of 2010.

With the above directions, the Criminal Revision Case is disposed

of. Consequently, the miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

01.07.2015
pln