

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.589 OF 2015

ORDER:

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1. This revision case is filed by the petitioner challenging the docket order dated 2.1.2015 passed in CrI.M.P.No.973 of 2014 in M.C.No.1 of 2014 by the Special Judicial Magistrate of First Class, Kovur.

2. The 2nd respondent is the legally wedded wife and the 3rd respondent is the daughter of the petitioner. They filed the above M.C. for maintenance. On 2.9.2014, the trial Court passed ex parte order directing the petitioner to pay a sum of Rs.5,000/- p.m., each to respondents 2 and 3 towards maintenance from 25.6.2012. Having come to know about the same, the petitioner filed the above CrI.M.P.No.973 of 2014 seeking to set aside the ex parte order dated 2.9.2014. On 12.12.2014, the trial Court allowed the above CrI.M.P., on condition of payment of maintenance amount of Rs.2,000/- p.m., to the 3rd respondent herein from 25.6.2012 till that day. While imposing such condition, the trial Court also held that in default of payment of maintenance of Rs.2,000/- p.m., to the 3rd respondent, the above CrI.M.P. stands dismissed. On 2.1.2015, the trial Court passed the impugned order dismissing the above CrI.M.P. on the ground that the conditional order was not complied with. Aggrieved by the same, the petitioner filed the present revision.

3. Heard and perused the material available on record.

4. According to the petitioner, the trial Court directed him to deposit about a sum of Rs.64,000/- towards maintenance to the minor respondent. The only prayer that is sought for by the petitioner in this revision is that he could not able to pay such huge amount in lump sum and therefore, he prayed this Court to grant time to pay 50% of the said amount on or before 30th June and the remaining amount on or before August, 15th, and to set aside the order impugned herein.

5. Considering the limited prayer of the petitioner, this Court is inclined to pass the following order:

1) The order impugned is set aside directing the petitioner to deposit 50% of the arrears of maintenance awarded by the trial Court vide order dated 12.12.2014 to the 3rd respondent herein before the trial Court, on or before 30th June, 2015 and to deposit the remaining amount on or before 15th August, 2015. In default, the order impugned herein shall come into force.

2) The petitioner is also directed to continue to pay the maintenance as awarded by the trial Court vide order dated 12.12.2014 i.e., at Rs.2,000/- p.m., to the 3rd respondent-minor from the month of July, 2015 till disposal of the M.C.

6. With the above direction, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 15.06.2015

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DATED 15th JUNE, 2015.

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