

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2967 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioner aggrieved by the order dated 3.11.2015 passed in CrI.M.P.No.168 of 2015 in M.C.No.125 of 2013 by the Family Court-cum-III Additional District & Sessions Judge, Warangal.

2. The 2nd respondent, who is the wife of the petitioner, filed the above M.C. against the petitioner, claiming maintenance of Rs.20,000/- per month. On 27.7.2015, the Family Court allowed the M.C. directing the petitioner herein to pay Rs.6,000/- per month to the 2nd respondent towards her maintenance from the date of her application and to pay a sum of Rs.10,000/- to her towards litigation charges. Later, the petitioner filed the above CrI.M.P. seeking to set aside the above order dated 27.7.2015 in the above M.C., on the ground that it is an ex parte order. As the 2nd respondent did not oppose, the Family Court allowed the above CrI.M.P. subject to payment of arrears of maintenance due as on 3.11.2015 on or before 26.12.2015. It was observed that in default of payment of arrears as ordered, the above CrI.M.P. stands dismissed. Aggrieved by the conditions imposed by the Family Court, the petitioner filed this revision.

3. Heard and perused the material available on record.

4. There is no dispute as to the relationship between the parties. In view of the same, without expressing any opinion on the merits of the case, this revision case is disposed of modifying the order under revision as follows:

“ The order dated 27.7.2015 passed in M.C.No.125 of 2013 by the Family Court is set aside subject to the condition of the petitioner depositing 25% of the arrears of maintenance due as on 3.11.2015 out of the arrears of maintenance awarded by the Family Court vide order dated 27.7.2015, within a period of three months from the date of receipt of a copy of this order. In default, the order dated 27.7.2015 in M.C.No.125 of 2013 shall come into operation”.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 31st December, 2015

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31.12.2015

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