

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.468 of 2015

ORDER:

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The petitioner, who is the husband of the 2nd respondent and father of 3rd respondent, filed the present revision under Sections 397 and 401 Cr.P.C. aggrieved by the order dated 07.06.2014 passed in M.C No.175 of 2013 on the file of the Additional Metropolitan Sessions Judge for the Trial of JHCBBC cum Additional Family Court cum XXIII Additional Chief Judge, Hyderabad.

2. The facts in issue are as under:

The respondents 2 and 3 herein filed M.C No.175 of 2013 claiming maintenance of Rs.10,000/- per month to the 2nd respondent and Rs.5,000/- per month to the 3rd respondent apart from Rs.25,000/- towards legal expenses.

3. By an order dated 07.06.2014, the learned Magistrate allowed the M.C, awarding Rs.3,000/- per month to the 2nd respondent and Rs.2,000/- per month to the 3rd respondent herein, from the date of the petition towards maintenance. Challenging the same the present revision is filed.

4. Learned counsel for the petitioner submits that the said order came to be passed without hearing the petitioner herein who is the respondent in M.C. He submits that the petitioner is put to irreparable loss as he is only a daily wager earning Rs.300/- per day by working as welder. It is thus submitted that it is practically difficult for the petitioner to pay Rs.5,000/- per month to the respondents herein. He further submits that respondent No.2 is already divorced and as such he is not bound to pay any amount of maintenance. He further submits that the petitioner could not participate in the trial which is neither wilful nor wanton and an opportunity may be given to the petitioner to contest the matter.

5. A perusal of the record would show that the petitioner herein, respondent in

M.C, filed his counter on 18.09.2013 raising various grounds, but did not adduce any evidence in support of his plea.

6. Having regard to the facts and circumstances of the case, the order under challenge is set-aside and the matter is remanded back to the trial Court by giving an opportunity to the petitioner to participate in trial in M.C No.175 of 2013 before the XXIII Additional Chief Judge, Hyderabad. The trial Court shall give either party an opportunity to lead evidence and to cross examine, if any, and complete the entire process within a period of three months from the date of receipt of a copy of the order. It is made clear that till then, the petitioner shall pay maintenance @ Rs.3,000/- to the 2nd respondent and Rs.2,000/- to the 3rd respondent as directed earlier.

7. Accordingly, the Criminal Revision is disposed of.

8. Miscellaneous petitions, if any, pending in this revision shall stands closed.

JUSTICE C. PRAVEEN KUMAR

Date:13.04.2015

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