

3. It was the case of the petitioner that the order dated 16/03/1993 was an '*ex-parte order*' and therefore, application under Section 126 (2) of the Cr.P.C. for setting aside the same was maintainable. It was the case of the petitioner that there was sufficient cause shown by him for setting aside the maintenance order dated 16/03/1993.

4. If the record is perused, then it is clear that the order dated 16/03/1993, by which the petitioner was directed to pay maintenance to the respondent, was not an *ex-parte* order, as contended by the petitioner. The petitioner was, admittedly, served with the process in the proceedings wherein the order dated 16/03/1993 came to be made. The petitioner had even filed his written statement opposing the award of maintenance. The examination-in-chief of the petitioner was recorded. The cross-examination was also partly concluded. In view of this, it cannot be said that the order dated 16/03/1993 was an *ex-parte* order and therefore, the petitioner was entitled to maintain the application under Section 126 (2) of the Cr.P.C.

5. Further, even assuming that the maintenance order dated 16/03/1993 was an *ex-parte* order, the Family Court has rightly held that there was no sufficient cause shown by the petitioner for setting aside the said order. In fact, the record indicates that the petitioner was grossly negligent in the matter. The petitioner, neither remained present in the Court nor did he make inquiries with his Advocate a sot

the progress of the matter. The learned Sessions Judge has recorded that the application upon which the impugned order has been made, was the third application in succession made by the petitioner for setting aside the maintenance order dated 16/03/1993. The learned Sessions Judge has rightly observed that this is nothing but the abuse of the process of law and not a legitimate mean for avoiding payment of maintenance.

6. There is no jurisdictional error in the making of the impugned order. There is no merit in this revision application. Revision Application is accordingly dismissed. There shall be no order as to costs. Interim order, if any, stands vacated.

(M. S. SONAK, J.)