

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.2758 of 2016

ORDER:

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1. This Criminal Petition is filed by the petitioner challenging the order dated 3.12.2015 passed in Crl.M.P.No.808 of 2015 in M.C.No.179 of 2014 on the file of the Family Court-cum-IV Additional District & Sessions Judge, Vijayawada.

2. The 2nd respondent, who is the wife of the petitioner, filed the above M.C. against the petitioner, claiming maintenance. On 16.12.2014, as the petitioner was absent, the trial Court set him ex parte and passed orders. The petitioner filed the above Crl.M.P.No.808 of 2015 before the trial Court seeking to set aside the ex parte order passed against him on 16.12.2014 in M.C.No.179 of 2014. He stated in the above Crl.M.P. that as he was at USA, he did not receive any summons in the above M.C. and he returned to India on 12.3.2015 and came to know about the same and that there is no willful negligence on his part. The trial Court allowed the said petition setting aside the ex parte decree dated 16.12.2014 on condition of the petitioner paying Rs.10,000/- to the 2nd respondent towards interim monthly allowance from the date of ex parte order dated 16.12.2014 till disposal of the above M.C. Aggrieved by the said condition, the petitioner filed this petition.

3. Heard and perused the material available on record.

4. There is no dispute as to the relationship between the parties. Considering the facts and circumstances of the case and the nature of the proceedings, the conditions imposed by the trial Court while passing the order impugned herein are modified as follows:

1) The petitioner is directed to pay Rs.7,000/- (Rupees Seven Thousand only) instead of Rs.10,000/- to the 2nd respondent towards

interim monthly maintenance on or before 10th of every succeeding month, till disposal of the above M.C.

II) The petitioner is directed to pay the arrears of maintenance at the rate fixed by this Court from the date of ex parte order dated 16.12.2014, within a period of three months from the date of receipt of a copy of this order;

III) The trial Court is directed to dispose of the above M.C., as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order, without being influenced by the above order.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 8th March, 2016

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