

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.572 of 2016 and Crl.R.C.Nos.2714 and 3273 of 2015

COMMON ORDER

Since all these revisions arise out of the separate orders passed in M.C.No.65 of 2014 on the file of the Judge, Family Court-cum-Additional Sessions Judge, Khammam, they are being disposed of by this common order.

2. The parties herein are referred to as they are arrayed in M.C.No.65 of 2014.

3. The petitioners are husband and wife and parents of the respondent. They filed M.C.No.65 of 2014 against the respondent for grant of maintenance @ Rs.50,000/-per month each. Since the respondent did not claim the notice delivered to him twice, he was *set exparte*. The petitioners themselves were examined as P.Ws.1 and 2 and got marked Exs.A1 and A2. After considering the evidence and the documents, the trial Court allowed the M.C. granting maintenance @ Rs.20,000/-per month each payable by the respondent from the date of the petition vide order dated 05.02.2015. Challenging the same, the respondent filed a revision.

4. The respondent filed Crl.M.P.No.158 of 2015 in M.C.No.65 of 2014 seeking to set aside the *ex parte* order dated 05.02.2015 and the same was dismissed on 04.09.2015. Challenging the same, the respondent filed Crl.R.C.No.2714 of 2015.

5. The petitioners also filed Crl.M.P.No.133 of 2015 in M.C.No.65 of 2014 seeking to issue warrant of arrest against the

respondent as he failed to pay the monthly maintenance as ordered by the trial Court. By order dated 18.12.2015, the trial Court issued warrant of arrest on payment of process. Challenging the same, the respondent filed CrI.R.C.No.3273 of 2015.

6. Heard and perused the material on record.

7. Considering the facts and circumstances of the case and since the order of maintenance was passed *ex parte*, an opportunity should be given to the respondent to contest the matter. Therefore, all these revisions are disposed of with the following directions;

The respondent is directed to file a fresh application before the trial Court seeking to set aside the *ex parte* order and to deposit a sum of Rs.2,00,000/- (Rupees two lakhs only) towards maintenance to the petitioners on or before 29.02.2016. On filing such an application and on deposit of the said amount, the trial Court is directed to restore the M.C. to its file and proceed in accordance with law. Insofar as the warrant issued by the trial Court is concerned, the same is hereby recalled on deposit of the said amount by the respondent to the satisfaction of the trial Court.

Miscellaneous petitions, if any, pending in these revisions, shall stand closed.

RAJA ELANGO, J

4th December, 2016.

sj