

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL REVISION CASE No.1037 OF 2009

And

CRIMINAL REVISION CASE No.1333 of 2016

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COMMON ORDER:

Crl.R.C.No.1037 of 2009 and Crl.R.C.No.1333 of 2016 are filed by the petitioners (husband, wife and daughter respectively) under Sections 397 and 401 of Cr.P.C. challenging the order dated 24.03.2009 in M.C.No.257 of 2007 on the file of the Additional Metropolitan Sessions Judge for the trial of JHCBBC-cum-Additional Family Court-cum-XXIII Additional Chief Judge, Hyderabad.

Learned counsel for both parties with one voice submitted that there is an ambiguity in the order of the trial Court. As per the finding of the trial Court, the petitioners in Crl.R.C.No.1333 of 2016 are entitled to maintenance amount of Rs.2,500/- per month, whereas as per the result portion, the petitioners are entitled to an amount of Rs.3,500/- per month. There is a conflict between the finding and operative portion of the order. They further submitted that the matter may be remitted back to the trial Court to pass appropriate orders after rectifying the above said mistake. They also submitted that their counter part before the trial Court will co-operate for fresh disposal of the case.

Having regard to the submissions made by learned counsel for both parties, I am of the considered view that these are fit cases to remand the matter to the trial Court for fresh disposal.

In the result, both the Criminal Revision Cases are allowed setting aside the order dated 24.03.2009 in M.C.No.257 of 2007 on the file of the Additional Metropolitan Sessions Judge for the trial of JHCBBC-cum-Additional Family Court-cum-XXIII Additional Chief Judge, Hyderabad. The trial Court is hereby directed to dispose of the

matter within one (1) month from the date of receipt of a copy of this order. If both the counsel would not co-operate with the Court, the trial Court is at liberty to dispose of the matter within one month as directed by this Court. Meanwhile, the respondent (husband) in CrI.R.C.No.1333 of 2016 is directed to pay the monthly maintenance to the petitioners regularly till disposal of M.C.No.257 of 2007.

Consequently, Miscellaneous Petitions, if any, pending in both the Criminal Revision Cases shall stand closed.

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T.SUNIL CHOWDARY, J

Date: 12.07.2016

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