

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CIVIL REVISION PETITION NOs.2303, 1831 and 1832 OF 2016

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COMMON ORDER:

These three Civil Revision Petitions are filed against the orders passed by the Judge, Family Court in FCOP No.518 of 2013, and in the interlocutory applications filed therein. In C.R.P. No.2303 of 2016, the order passed by the Judge, Family Court, Secunderabad in FCOP No.518 of 2013 dated 18.12.2015 is questioned wherein, on the ground that the revision petitioner herein had not paid interim maintenance to the respondent, his defence was struck off. C.R.P. No.1831 of 2016 is preferred against the order passed in I.A. No.1021 of 2015 in FCOP No.518 of 2013 dated 11.02.2016, and C.R.P. No.1832 of 2016 is preferred against the order passed in I.A. No.1022 of 2015 in FCOP No.518 of 2015 dated 11.02.2016. While I.A. No.1021 of 2015 was filed to recall P.W-1 (the respondent herein) for cross-examination, I.A. No.1022 of 2015 was filed under Section 148 CPC for extension of time for payment of interim maintenance.

Both Sri Sharad Sanghi, Learned Counsel for the petitioner and Sri V. Majoj Kumar, Learned Counsel for the respondent would submit that, against the order passed by the Court below earlier granting interim maintenance of Rs.50,000/- per month, the revision petitioner had filed CRP No.781 of 2016; and this Court had, by order in CRPMP No.1000 of 2016 in CRP No.781 of 2016 dated 26.02.2016, directed the revision petitioner herein to pay Rs.40,000/- as monthly maintenance to the respondent herein. Both Counsel would agree that, pursuant to the aforesaid interim order passed by this Court, the revision petitioner continues to pay maintenance of Rs.40,000/- to the respondent herein every month. As non payment of interim maintenance was the reason for striking of his defence, the order

under revision in CRP No.2303 of 2016 is set aside. Consequently the order passed by the Court below in I.A. No.1021 of 2015 is set aside and the Court below shall recall P.W-1 for being cross-examined by the revision petitioner herein. I see no reason, however, to interfere with the order passed by the Court below in I.A. No.1022 of 2015, refusing to extend time, as the petitioner has since filed CRP No.781 of 2016 wherein an interim order has been passed directing the revision petitioner herein to pay maintenance at Rs.40,000/- per month.

Sri V. Manoj Kumar, Learned Counsel for the respondent, requests that a time frame be fixed for disposal of the OP. I have no reason to doubt that the Court below shall decide the OP with utmost expedition. The Civil Revision Petitions are disposed of accordingly. The miscellaneous petitions pending, if any, shall also stand disposed of. No costs.

RAMESH RANGANATHAN, J

Date: 29.07.2016.

MRKR