

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CRIMINAL REVISION CASE No.2558 of 2016

ORDER:

1 This Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. challenging the order dated 28.06.2013 passed in MP.No.133 of 2012 in MC.No.39 of 2000 passed by the learned Judge, Family Court, Warangal.

2 Heard the learned counsel for the petitioner and the learned counsel for the first respondent.

3 A perusal of the record reveals that the first respondent filed M.C.No.39 of 2000 on the file of the Judge, Family Court, Warangal seeking maintenance from the petitioner. During pendency of enquiry, the said M.C was referred to Lok Adalat where it was settled. As per the terms and conditions of the Award passed by the Lok Adalat, the petitioner has to pay Rs.4,000/- per month to the first respondent.

4 The only grievance of the petitioner is that the first respondent is not entitled to claim any maintenance from him in view of the terms and conditions of the Award passed by the Lok Adalat and hence the impugned order is not sustainable.

5 Before passing the impugned order, the trial Court ought to have considered the terms and conditions of the Award passed by the Lok Adalat and see whether the parties

to the proceedings have strictly adhered to the said terms and conditions. A perusal of the record reveals that no opportunity was given to the petitioner herein to adduce evidence. The trial Court straight away passed the impugned order by attaching the salary of the petitioner. If the order is allowed to stand, certainly, it will cause untold hardship to the petitioner.

6 Having regard to the facts and circumstances of the case, the order dated 28.06.2013 passed in MP.No.133 of 2012 in MC.No.39 of 2000 is not sustainable in view of the Award passed by the Lok Adalat.

7 Therefore, the matter is remanded to the trial Court to dispose of the MP.No.133 of 2012 in MC.No.39 of 2000 afresh after affording a reasonable opportunity to both parties to adduce evidence on their behalf and without being influenced by any of the observations made in this order.

8 This Criminal Revision Case is accordingly allowed. As a sequel, miscellaneous petitions, if any, pending in this Criminal Revision Case shall stand closed.

T.Sunil Chowdary, J

Date: 21st November, 2016

Kvsn